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Alert,
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to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 64

NEW YORK, U. S. A., MONDAY, APRIL 1, 1940

TEN CENTS

Studios Ready To Talk Again On Pay Boost

Freeman, Buzzell to Fix Negotiations Date

HOLLYWOOD, March 31.—Producers and the studio unions over the week-end indicated that they were ready, after weeks of postponement, to resume negotiations over the dispute on the 15 per cent wage increase question.

Frank Freeman, president of the Association of Motion Picture Producers, will meet with J. W. Buzzell, vice chairman of the Conference of American Federation of Labor Unions, early this week to set a meeting of their respective negotiation committees.

This was decided upon Friday at a meeting of Freeman and other members of the producers' committee with Fred Pelton and Pat Casey, labor contact officials.

The unions, granted the 15 per cent pay boost when they threatened a nation-wide strike, have served notice that they will not relinquish the increase as requested by the studios.

RKO's Sales Chiefs Meet Here May 27

George J. Schaefer, RKO president, and other high ranking executives of the company will be speakers at RKO's annual sales convention to be held May 27 to 30, inclusive, at the Waldorf-Astoria here.

The speakers' list includes Ned E. Depinet, vice-president and distribution head; Cresson E. Smith, Western and Southern sales manager; A. W. Smith, Jr., Eastern and Canadian sales manager; Harry J. Michalson, short subjects sales manager; Herb MacIntyre, Depinet Drive captain; Walter Branson, last year's drive captain; Harry Edington and other studio executives.

(Continued on page 6)

Bronston Affiliates With J. Roosevelt

Samuel Bronston's new production company has closed an affiliation with James Roosevelt's Globe Prod., involving financing the latter company by Samuel Bronston Prod., according to Wall Street reports.

Under the deal, it is said, Bronston Prod. will collaborate with Globe Productions in its activities.

Globe Prod. releases through United Artists.

Arbitration Board Dispute May Stop Trust Settlement

Government Must Open Files to Majors Who Call Case Weak

A delay in the scheduled start of trial of the Government's New York anti-trust suit on May 1 appeared inevitable as the Government experienced its second consecutive setback in pre-trial skirmishes before Federal Judge Henry W. Goddard on Friday.

Judge Goddard directed the Government to furnish the defendant film companies with detailed information and to "open its files" in Washington, if necessary, to defense counsel.

Paul Williams, trial lawyer for the

Zukor Under U. S. Probe Thursday

Scheduled to appear in pre-trial examinations this week in the Government's anti-trust suit are Adolph Zukor, chairman of Paramount Pictures, and William Kupper and William Sussman, Western and Eastern sales managers of Twentieth Century-Fox. Zukor will substitute for Abe Montague, originally slated for Thursday, while Kupper and Sussman take the stand on Wednesday.

Government, in response to the court ruling, stated that he would comply with these instructions by Friday. His statement was made after Judge Goddard declared that the Government had not complied with a stipulation in which it had promised to furnish details as to acts of alleged discrimination in addition to the names of witnesses.

In the course of the argument, Williams was forced to admit that the Government lacked detailed information as to monopoly claims in the production field.

No investigation had been made of the situation in production since 1936, Williams said, and reports from Government agents dating from that year did not supply the Department of Justice with more than a general statement of conditions.

The Government was charged with prosecuting the suit without sufficient evidence to back its complaint after Williams had conceded that his information was limited.

Unless the Department of Justice

(Continued on page 2)

'Million Dollar' Legal Battery Goes in Action

A preview of the industry's "million dollar" legal battery in action was afforded spectators in Federal Judge Henry W. Goddard's courtroom on Friday during hearings of oral arguments on several pre-trial motions.

"Judge" Joseph Proskauer of the law firm of Proskauer, Rose and Paskus, one of the city's outstanding corporation lawyers, made his first appearance in the case as counsel for Warners, having been retained only the day before. With him was Robert W. Perkins, Warner general counsel.

Also on hand were Thomas D. Thacher, former U. S. Solicitor General, of counsel for Paramount. Appearing with him were A. C. Bickford of the Simpson, Thacher & Bartlett law firm; Austin C. Keough,

(Continued on page 2)

TMAT Strike Hits 11 5-Boro Theatres

Motion Picture Division of the Theatrical Managers, Agents and Treasurers Union is on strike at 11 theatres of the Five Boro circuit as a result of repudiation by managers at the houses of the union.

The union obtained an agreement last year in which it was recognized as collective bargaining agency but no formal contract covering wages and hours was signed.

Two weeks ago managers and assistants at the circuit signed a letter in which they stated that they had resigned from the union and asked the management not to recognize the T. M. A. T. as bargaining agency.

The union, claiming that it had a closed shop contract, asked the management to dismiss the managers and called a strike Thursday when this request was refused.

Houses being picketed include the De Luxe, Freeman, Vogue, Dover, Fenway, Ace, Metro, Tower, Zenith and Lido, all in the Bronx.

Picketing will be extended today to the Granada, Manhattan, according to the union.

Any Consent Pact Must Guard Their Interests, Companies Feel

WASHINGTON, March 31.—Regulations governing the establishment and functioning of arbitration boards may prove fatal to the current efforts to reach an out-of-court settlement of the Government's New York anti-trust suit, it was learned today.

Certain conditions sought by the Government on the settlement, defendants feel, might require enabling legislation before they can be accepted.

The boards will be vital industry factors under any consent decree which may be reached and the defendants, as well as the Government, may be expected to guard their interests jealously in determining their set-up and functions.

Personnel of the boards is of first importance to both sides and an agreement on this point alone is regarded in

(Continued on page 2)

'Pinocchio' Center Gross at \$240,000

"Pinocchio's" gross for its run of seven weeks and five days at the Center Theatre is estimated at \$240,000.

This compares with a gross of \$530,000 for the five weeks' run of "Snow White and the Seven Dwarfs" at the Music Hall in January-February, 1938.

The indicated RKO-Disney net share of "Pinocchio's" \$240,000 gross at the Center is \$125,000, after advertising and premiere costs are paid. The producer's-distributor's share of "Snow White's" five-week gross was approximately \$150,000. The gross rental on "Pinocchio" was approximately \$168,000.

Raise in Minimums Demanded by Equity

Actors Equity members by resolution demanded a raise in minimum salaries in legitimate theatres from \$40 to \$50 weekly at the first quarterly meeting of the year on Friday.

A central casting office from which actors earning between \$40 and \$100 weekly could obtain employment was also asked by the membership. Other resolutions passed included one supporting a national subsidized theatre

(Continued on page 5)

Government to Open Its Files to Majors

(Continued from page 1)

comes forward with detailed evidence of anti-trust violations in the production field, majors will apply for an order dismissing charges of discrimination in production set forth by the complaint, attorneys told Judge Goddard.

Williams was questioned by Judge Goddard for the reasons for agreeing to furnish detailed information if it did not have it available. He explained in response that the Government had always maintained that it was bound to supply only those details of which it had personal knowledge.

Willing to Open U. S. Files

Willingness was expressed by Williams to open the Government's files in Washington to defense attorneys "if his superior approved." Williams made this offer to prove his contention that he was prepared to give the majors all available information.

In addition, attorneys took up the question of a pre-trial conference to simplify the issues and to effectively shorten the trial. Majors' counsel criticized the proposed admissions which the Government has asked the defendants to concede.

Judge Thomas D. Thacher, spokesman for the defendants, declared that it was "utterly impossible" for the defendants to agree to a major part of the Governments' proposals since there was a basic dispute as to definitions and the history of the industry.

Columbia would not concede that it was anything but an independent producer, Louis D. Frohlich, attorney for the company, stated flatly. At Judge Goddard's request, attorneys for the defendants agreed to offer counter-proposals for admissions.

Williams Attacks Practices

In discussing the pre-trial conference, Williams declared that the Government was attacking the fundamental conditions in the industry. It was the control of production, exhibition and distribution by the majors that the Government claimed was in violation of the Sherman anti-trust act, Williams said. As a result, the industry was not "open and competitive," he declared.

Judge Thacher, in reply, said that the defendants for the time being would withhold their hand but that they were prepared to prove on trial that any so-called discrimination was "strictly lawful."

WANTED

Information leading to the whereabouts of Charles B. Howard and John Russo. Reimbursement will be made to informant for any warranted expense.

Please Communicate

DOUGLAS ROTHACKER
729 Seventh Ave., N. Y. City

Arbitration Boards Dispute May Stop Trust Settlement

(Continued from page 1)

some quarters as likely to be most difficult, even to the point of endangering an ultimate settlement of the suit.

Present proposals contemplate a nominal assessment of five or 10 cents on each picture licensed anywhere in the United States to meet the costs of maintaining the boards.

The suggestions call for appointment of a national administrator and the establishment in each exchange district of a panel of impartial arbitrators with no connection with the industry, one of whom would be selected by agreement to hear a complaint. Before these arbitrators would come all controversies over protection, overbuying and other exhibitor-distributor trade relations problems.

Exhibitors and distributors, themselves, once their case has gone to arbitration, will have no standing other than that of pleader and respondent.

Appeals from unsatisfactory decisions of the Board of Arbitrators would be heard by a central arbitration board, probably designated by the court with the approval of the consent decree, to be heard by a neutral member with technical advice given by two other members representing, respectively, distribution and exhibition.

The arbitrators and the appellate board would have wide powers of discretion in the awarding of costs and in the fixing of liquidated damages in controversies calling for monetary adjustment.

The proposed elimination of block booking through a consent decree, under which pictures would be offered in blocks of four to eight, is viewed by industry officials as likely to result in a complete revision of the industry's selling methods and of its sales personnel.

If the plan was agreed upon, it is pointed out, selling would be localized on a system somewhat similar to that prevailing during the "state's rights" selling era. This would entail smaller sales organizations and local trade showings for exhibitors.

The proposed agreement would make affiliated theatre divorcement unnecessary due to the scope of the subjects which would be handled and disposed of by arbitration, and other trade practice changes which will be imposed.

Among these are restrictions against selling to theatres outside an exchange district, which, it is claimed, would make it impossible for theatre chains, independent or affiliated, to corner any company's product for a year in advance. This would make it impossible for chains operating in two or more exchange districts to use the weight of their buying power to obtain favorable deals for houses in districts with independent competition in return for concessions where they had no competition.

The changes also, it was pointed out, would give the independent producer a better chance to sell exhibitors, chain and independent, because they no longer will be overbought for months in advance.

Frohlich, Farnsworth to Confer on Columbia Queries

Louis Frohlich, of counsel for Columbia, and William Farnsworth, special attorney for the Department of

Justice, will confer today or tomorrow in an effort to agree on the additional information which Columbia will seek from the Government in response to the company's separate interrogatories.

This decision was agreed upon Friday after Frohlich told Federal Judge Henry W. Goddard that the Government's answers to the consolidated interrogatories of the other defendants were "helpful" but left 10 questions unanswered which Columbia had addressed to the Government.

The conference between the attorneys is designed to attain an agreement on answers to these questions without the necessity of again appealing to Judge Goddard for a specific order to the Government, as the court authorized the Columbia attorney to do several weeks ago.

Walkout at Warner Theatres Averted

PHILADELPHIA, March 31.—The threatened walkout on Monday of stagehands, projectionists and electricians at all Warner Bros. theatres here in sympathy with the striking musicians has been averted.

A. Rex Riccardi, secretary of the Musicians Union, announced an "indefinite postponement" of the walkout following a phone call from Los Angeles with Joseph N. Weber, A. F. M. head.

It is expected that an attempt will be made by the musicians to resume negotiations with the theatre circuit during the week as the strike goes into its fifth month.

In the meanwhile, the musicians are continuing their picket lines.

Million Dollar Legal Battery Into Action

(Continued from page 1)

Paramount general counsel, and Louis Phillips of the home office legal staff.

Col. William J. Donovan of Donovan, Newton, Leisure & Lumbard, appeared for RKO with John Howley of the same firm. Monroe Goldwater of Goldwater & Flynn appeared for Keith-Albee-Orpheum.

John W. Davis, chief defense counsel for Loew's-M-G-M; Louis Frohlich of Schwartz & Frohlich, Columbia counsel; John Caskey of Dwight, Harris, Koegle & Caskey, 20th Century-Fox counsel, and Benjamin Pepper of O'Brien, Driscoll & Raftery, United Artists and Universal counsel, were among the other legal luminaries on hand.

Paul Williams, chief trial counsel for the Government, William P. Farnsworth and assistants appeared for the Government.

M'Kenzie to Indiana

Maurice McKenzie, executive assistant to Will H. Hays for the past 18 years, will leave for his former home near Crown Point, Ind., today where he will resume residence following his resignation from the M. P. P. D. A. McKenzie's resignation becomes effective today. Homer Harmon has been appointed to succeed McKenzie.

Purely Personal

A. A. SCHUBART, RKO manager of exchange operations, and Mrs. SCHUBART left over the weekend for a Florida vacation.

JAMES ROOSEVELT, head of Globe Productions, arrived in Hollywood yesterday by plane from the East.

WILLIAM C. GEHRING, division manager for 20th Century-Fox, has returned from a Miami vacation.

CONSTANCE BENNETT left via American Airlines Saturday on her return to the Coast.

GEORGE STEVENS, director, is in town from the Coast.

Dinner Set April 26 By Picture Pioneers

The Spring dinner conference of the Picture Pioneers will be held Friday evening, April 26, Jack Cohn, House manager, announced following a meeting of the executive committee at the Hotel Astor Saturday.

New members of the organization are R. J. O'Donnell, W. Ray Johnston, Gilbert Josephson, Douglas D. Rothacker, Charles L. O'Reilly, P. J. Morgan, Jack Bowen, Lou B. Metzger, Jerome Safran, J. L. Barker, J. R. Malcolm, Louis W. Schine, J. Myer Schine and Samuel Strausberg. It is planned to present gold membership cards to these veterans at the forthcoming Conference.

Vet Exhibitor Dies

PHILADELPHIA, March 31.—Charles M. Rappoport, 64, theatre operator at Salem, N. J., died in a Philadelphia hospital following a long period of poor health. He entered the motion picture business 30 years ago. He operated theatres here and in New York before coming to Salem. Funeral services were held here Friday. His wife and a daughter survive.

Columbia Dividend

Columbia Pictures Corp. announces that the Board of Directors, at its meeting March 23, declared a regular quarterly dividend of 68 $\frac{3}{4}$ ¢ per share on the \$2.75 convertible preferred stock, payable May 15 to stockholders of record May 1.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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RECORDS for REBECCA

SELZNICK INTERNATIONAL
presents

Rebecca

starring
LAURENCE OLIVIER
JOAN FONTAINE

with
GEORGE SANDERS • JUDITH ANDERSON
Directed by **ALFRED HITCHCOCK**
Produced by **DAVID O. SELZNICK**
who made "GONE WITH THE WIND"
From the best-selling novel by
DAPHNE DU MAURIER

Released thru
UNITED ARTISTS

Held over for second week...after
doing in 4 days the biggest gross of
any United Artists release ever to
play **LOEW'S GRAND, ATLANTA.**

Held over for second week at
both theatres — **LOEW'S STATE**
AND ORPHEUM, BOSTON.

Held over for second week after es-
tablishing a new record for any
United Artists release this year at
LOEW'S STATE, ST. LOUIS.

Held over indefinitely, after topping
all Selznick records at the **LIBERTY,**
SEATTLE.

Held over for minimum of three
or four weeks after doing 180%
of average, first seven days at
the **UNITED ARTISTS, SAN**
FRANCISCO.

All records smashed, following spec-
tacular \$2.20 premiere at the
LINCOLN. Day and date engage-
ment held over at both **LINCOLN**
AND SURF, MIAMI BEACH.

Held over for second week, with Joe
Lightstone predicting it will run a
minimum of six weeks, due to all-time
high gross at the **ORPHEUM**
MONTREAL.

Held-over at **LOEW'S STATE,**
CLEVELAND.

Held-over at **LOEW'S, ROCHESTER.**

After sensational week at the
APOLLO, moved over for week at
the **STRAND,** then moved over for
additional week at the **CAPITOL...**
and then for still an additional
week moved over to the **EMBASSY,**
ATLANTIC CITY.

Held over for second week at
LOEW'S STATE, PROVIDENCE.

AND NOTE THIS! "Rebecca" is the biggest
build-up picture in recent years. Following
smash Easter Monday 19 theatres in 17 cities
without exception, did even bigger busi-
ness Tuesday...a total of 143% of Monday!

Short Subject Reviews

"Information Please, No. 8"

(RKO-Pathé)

Mental wizards of radio fame have again assembled before the camera, retorting intelligently, jocularly and sometimes incorrectly to the interrogatories of Clifton Fadiman. Ruth Gordon of screen and stage aids Experts Kieran, Levant and Adams in their duties. On the whole, the short compares favorably with its predecessors. Running time, 10 mins.

"Pennant Chasers"

(RKO-Pathé)

This Sportscope on baseball, timely in every respect, definitely ranks with the topnotch product in the one-reel shorts field. The various positions and their respective responsibilities on the diamond, important plays executed by leading players and other fundamentals in the national pastime are filmed splendidly. Advance notice is well warranted here. Running time, nine mins.

"Flycasting"

(RKO-Pathé)

The Sawtooth Range of Idaho provides an attractive locale for the filming of this addition to the Sportscope series. The subject, trout fishing, has been treated tactfully so that it might be enjoyed equally by those not acquainted with the sport as well as the experienced rod and reeler. Above average. Running time, nine mins.

NBC Calls Ascap Plan "Intolerable"

NBC finds the Ascap plan "so intolerably burdensome that it would be impossible to accede to their terms," Williams S. Hedges, vice-president in charge of the stations department, advised its 185 network affiliates over the weekend. He intimated NBC may not reach an agreement with Ascap.

Hedges declared that the web is not opposed to clearance of music at the source "providing it can be done on a basis which is legally feasible and economically sound."

REQUESTED

Information leading to the recovery of four reel 16mm print number five entitled "Nickel High Lights" and one reel 16mm print entitled "This Changing World." Informant will be reimbursed for any warranted expense.

MOTION PICTURE DAILY

Box 008

Rockefeller Center, N. Y. City

Hollywood Review

"Florian"

(Sheehan—M-G-M)

HOLLYWOOD, March 31.—Bred at Lippiza, 400-year-old stud farm maintained by the Austrian Hapsburg dynasty prior to the World War, Florian, horse star of this unique production, is a magnificent white stallion, commanding of presence and brilliantly proficient in his exhibition of show-ring ability acquired at the internationally famous Spanish Riding School.

He is one of the six horses of his breed in America, a circumstance of exploitation usefulness, and the picture is, from the audience point of view, primarily the story of his life from 1910 to shortly after the collapse of the Austrian Empire. In the telling of this story is also achieved a recording of the deterioration of the nation which the horse, symbolically, represents, as well as the love story of his groom and a duchess who find happiness ultimately in America.

Doubtlessly the most expedient and effective exploitation approach is by way of emphasis upon the horse, the splendid horsemanship displayed in the picture and the equine traditions upheld. Showmen are well justified in declaring that no such horse as this has ever been brought to screen in a dramatic production. Special mention is to be made, also, of sequences in which Florian performs, with other Lippizans, in the renowned Spanish Riding School, and of others photographed in Austria, showing great herds of Lippizans roaming native pastures. It is to be emphasized, of course, that the horse plays a very real part in the story.

As has been true in the case of other pictures dominated by animal actors, the human players in this one impress as of secondary importance. The cast includes Robert Young, Helen Gilbert, Charles Coburn, Lee Bowman, Reginald Owen, William B. Davidson, Lucille Watson, George Lloyd and Irina Baronova, a newcomer, in principal roles. Miss Baronova, ballerina of the Monte Carlo Ballet Russe, is presented not only in a story part but in an Imperial Ballet sequence which affords showmen an additional exploitation angle.

The film is a Winfield Sheehan production and displays the Sheehan touch in authenticity of staging and detail. It is from the Felix Salten novel of the same name, prepared for the screen by Noel Langley, Geza Herczeg and James Kevin McGuinness and directed by Edwin L. Marin. Running time, 95 minutes. "G.*

ROSCOE WILLIAMS

*"G" denotes general classification.

Five Radio Shows Cited as Lotteries

WASHINGTON, March 31.—Five radio programs allegedly violating the lottery provision of the Communications act were referred to the Department of Justice for consideration yesterday by the Federal Communications Commission.

The programs were "Musico" broadcast over WGN, Chicago; "Songo" of WIP, Philadelphia; "Especially For You," WFIL, Philadelphia; "Sears' Grab Bag," WISE, Asheville, N. C., and "Dixie Treasure Chest," KRLD, Dallas, Texas.

Banned Film to Show Across Detroit River

DETROIT, March 31.—"Strange Cargo," barred by Detroit police censors, will be shown in Windsor (Ontario) across the Detroit River.

The film, banned here as "too obscene," has been approved by C. J. Silverthorne, chairman of the Ontario Censor Board.

No decision has been made on "Primrose Path," also banned in Detroit, Silverthorne said.

A.T.P. Net \$17,800

LONDON, March 20. (By Mail)—A net profit for the last financial year of about \$17,800 is reported by Associated Talking Pictures, parent body of Ealing Studios, and producers of the George Formby films.

Formally Dismisses Gary Theatres Suit

CHICAGO, March 31.—Federal Judge William Holly on Friday entered the final order for the dismissal of the anti-trust action of Gary Theatre Corp. against Balaban & Katz, Warner Theatres and the major distributors.

The court order was a formality since the actual dismissal of the suit took place a week ago. Albert Gavit, attorney for the Gary company, indicated he might file an appeal later.

Reverses Game Stand

BOWLING GREEN, Ohio, March 31.—Reversing his attitude when 65 local merchants asserted that Bank Night increased their business by attracting patrons from the surrounding territory, Mayor Alva W. Bachman is permitting the Cla-Zel Theatre to resume the game. He ordered it discontinued last December, after having fined the management \$400 for operating a lottery.

'Lights Out' Dated

"Lights Out in Europe" feature length film on the European situation last Summer and Fall, directed by Herbert Kline, will open at the Little Carnegie Playhouse on April 13. James Hilton prepared the commentary, which is rendered by Fredric March. Evelyn Gerstein is handling publicity on the film.

Radio Brevities

Facilities of 48 stations will be used by Atlantic Refining Co. in its largest sports schedule since starting the sponsorship of sports events in 1936. Approximately 2,300 major and minor league baseball games will be covered in play-by-play descriptions during the course of the season. The schedules of three National League teams, two American, five International, eight Eastern, three South Atlantic and two Piedmont will be covered in whole or in part.

Games to be sponsored include all home games of the Philadelphia Phillies, 70 home and road games of the Pittsburgh Pirates, 32 home games of the Boston Bees, all home games of the Philadelphia Athletics and 32 home games of the Boston Red Sox. In the minor leagues, all home and road games of the Eastern League will be covered, with additional coverage of the Baltimore, Buffalo, Newark, Rochester and Syracuse teams in the International League; Augusta, Jacksonville and Savannah in the South Atlantic League, and Charlotte and Richmond games in the Piedmont League. N. Y. Ayer & Son is the agency.

Personalities in the News

Rosalind Sherman will interview three prominent bandleaders this week at 1:30 P. M. over WNEW. George Olsen will be heard today, Mark Wornow tomorrow, and Raymond Scott on Wednesday. . . . Paul Baron, another bandleader, will be interviewed by Nellie Revell on "Meet the Artist" on Friday at noon over NBC-Red. . . . Victor Moore, Helen Twelveteens and John Beal will be heard in "Alias the Deacon" on the Texaco Star Theatre over CBS on Wednesday at 9 P. M. . . . Arthur Schwartz, composer, supported by Jan Peerce and Mary Small, will be heard on "Command Performance" over Mutual on Friday at 9:30 P. M. in a program devoted to American songs.

Cary Grant and Sir Cedric Hardwicke will head a quiz team on "True or False" over NBC-Blue next Monday at 8:30 P. M. against a team of six co-eds from William and Mary College.

Harry Von Zell will substitute for Allen Reed on Col. Stoopnagle's "Quixie Doodle" contest on Fridays, April 5 and 12, over Mutual when Reed leaves to appear in the Theatre Guild show "Love's Old Sweet Song."

"Information" Wins Award

Saturday Review of Literature has made an award "for distinguished service to American literature" to the NBC-Blue program, "Information, Please." Dr. Henry Seidel Canby, founder and member of the editorial board, will present the award tomorrow.

344 Announcements a Week

Lucky Strike cigarettes will blanket the metropolitan area with a series of 2½-minute spot announcements over eight local stations starting today and continuing for 13 weeks. A total of 344 announcements will be used each week. The announcements, made on the hour, will feature a transcription of one of the songs used on "Your Hit Parade."

Tips on Exploitation

Para-De Beers Tieup On 'Diamonds,' Picture

Paramount has arranged a tieup with the De Beers Consolidated Mines, Ltd., of South Africa through N. W. Ayer, their agency, offering exhibition window display and newspaper advertising cooperation on Paramount's "Adventure in Diamonds." De Beers is a diamond producing company.

'Gentleman' Usher Issues 'Earl' Cards

In connection with the run of M-G-M's "The Earl of Chicago" at Loew's Criterion on Broadway, a tall doorman, immaculately dressed in cut-away, striped trousers and top hat, strolled about the Broadway district, distributing calling cards mentioning "His Lordship, the Earl of Chicago," at the theatre. He also joined the Easter Parade.

Women's Clubs Aid 'Edison' in Providence

PROVIDENCE, March 31.—Representatives of the R. I. Federation of Women's Clubs and its Better Films Council attended a special preview of "Young Tom Edison," arranged by Edward McBride at Loew's State. The women put into operation their telephone chain, reaching 5,000 members of the women's clubs.

Buxbaum Honored; 25-Yr. "Y" Member

Harry H. Buxbaum, New York branch manager of the 20th Century-Fox Exchange, was among those who were awarded a medal by the West Side Y.M.C.A., W. 63rd St., honoring their long membership and service to that organization. Chief Justice Charles Evans Hughes, of the U. S. Supreme Court, was another recipient of such an award at the 10th Annual Dinner of the organization on Friday. Buxbaum was honored for his 25 years' continuous membership in the society.

Pioneer in Buffalo Is Wed 50 Years

Buffalo, March 31.—Talking pictures are nothing "new" to Samuel Rapoport, 79, who, with his wife, celebrated their 50th wedding anniversary Saturday.

"Back in 1909 we showed 'Quo Vadis,' our first talking picture," said Rapoport. "We worked all day getting the victrola record synchronized with the film. Either the operator in the booth didn't turn the crank on the projector steadily, or the victrola would go too fast, or get caught in a groove. Although the picture ran only 10 minutes, people came from all over the city in their carriages to see it."

London Reviews

"George and Margaret"

(Warner British)

LONDON, March 20 (By Mail).—On its title's pull—the stage original ran long and notably in the West End—this has a certain public assured. On its brilliant comedy treatment of its theme—the upper middle class English family—and its exceptional production polish, it will surely earn critical plaudits, and undoubtedly provoke much word of mouth advertising. Out of the blue, Warners' Teddington studio—thanks greatly to director George King—have presented one of the best British films this year. The spectacle of the muddled impetuous Garth-Bander family, torn to domestic tatters by the visit of two people from India, makes infectious entertainment.

George and Margaret are never seen, but the threat of a visit from them drives a scoutmaster son to marriage with the maid, nearly shatters the daughter's romance with an aristocrat, and impels the cook's resignation. Everything is made worse by the helpless and garrulous mother—a grand piece of polished comedy by Marie Lohr—and when the Anglo-Indians do arrive the lights fail.

It is all highly amusing and light hearted stuff with a generous measure of comedy. It is Marie Lohr's film, but there are others in the cast: Ann Casson as the romantic maid, Noel Howlett as the father, Judy Kelly with one of her most agreeable portrayals, John Boxer in scoutmaster's shorts, who must bear some of the credit for the film's success.

Technically the film is of Hollywood standard, Basil Emmott's camera-work being especially good. Rodney Ackland and Brock Williams made a screenplay out of the stage play—which means much.

Running time, 77 minutes. "G."*

AUBREY FLANAGAN.

"Let George Do It"

(Ealing Studios—A.B.F.D.)

LONDON, March 8 (By Mail).—On the thesis that wartime audiences like to be reminded about the war, the producer has put George Formby, exhibitors' Number One favorite, into battle dress.

Abandoning homely provincial settings Formby has been cast as a ukelele player caught up in a Nazi spy plot, switched him from Blackpool to Bergen, and while conducting a dance band, made it act as radio agent to convey the movements of cargo boats to itinerant submarines.

The dramatic stuff, of course, is treated in the most unabashed slapstick vein, but it is debatable whether it is commercially sagacious to exploit the war.

Formby's performance and cavortings are of the now accepted brand, with the beautiful spy doing her siren stuff on the "gormless lad," the said lad falling into a baker's dough mixer and getting aboard a U-boat whence he is at last shot through a torpedo tube. Between times he manages to sing four or five songs which have little or nothing to do with the picture.

The Formby fans for the most part will find their grinning idol the same but those seeking for the newer or more imaginative note in comedy will be unsatisfied. Technical qualities are effective.

Running time, 82 minutes. "G."*

AUBREY FLANAGAN

"The Briggs Family"

(Warners)

LONDON, March 20 (By Mail).—Two elements vie for appeal in this neat little creation of Warners' British studio—the creation of a human family atmosphere (with a wartime canvas)—and a vest pocket detective drama. Though the latter is quite well contrived it is not so effective as the very convincingly textured glimpse of a solicitor's clerk, his family, and his emotions, against a pattern of blackout, ration cards and neighbors who are mostly special constables. Thanks to sympathetic direction from Herbert Mason and characterization from a cast who know their middle class film for all its ultimate concession to drama has a breath of reality.

Only blot on the family escutcheon is a boy who mixes with a poker-playing crowd and is involved in a charge of car and jewel stealing. He it is whom the father sets out to free from the law, which he does partly as detective and partly as attorney. The yarn is conventional but not without plausibility and certainly has authentic atmosphere of 1940 London.

Edward Chapman, carrying his gas mask to the City, gives a neat middle class characterization, with Mary Clare and Glynnis Johns good as mother and younger daughter. Jane Baxter, Felix Aylmer, Joss Ambler and George Carney merit mention. Technically the film is above criticism.

Running time, 69 minutes. "G."*

AUBREY FLANAGAN.

*"G" denotes general classification.

Denver Gives Good \$13,000 To 'Pinocchio'

DENVER, March 31.—With crowds big and the house opening early most of the week, "Pinocchio" drew a strong \$13,000 at the Orpheum and is being held.

"Dr. Ehrlich's Magic Bullet" (W. B.)

"Green Hell" (Univ.)

ALADDIN—(1,400) (25c-40c) 7 days, former after a week at the Denver and latter after a week at the Paramount. Gross: \$4,500. (Average, \$3,500)

"Northwest Passage" (M-G-M)

"Married and in Love" (RKO)

BROADWAY — (1,040) (25c-35c-40c) 7 days, 2nd week. Gross: \$3,500. (Average, \$2,500)

"Seventeen" (Para.)

DENHAM — (1,750) (25c-35c-40c) 3 days after a week. Gross: \$2,200.

"Women Without Names" (Para.)

DENHAM — (1,750) (25c-35c-40c) 4 days. Gross: \$2,000. (Average for week, \$6,000)

"The Blue Bird" (20th-Fox)

DENVER—(2,525) (25c-40c-50c) 7 days. Duke Ellington orchestra. Gross: \$10,000. (Average, \$8,000)

"Pinocchio" (RKO)

"Courageous Dr. Christian" (RKO)

ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$13,000. (Average, \$8,000)

"He Married His Wife" (20th-Fox)

"Five Little Peppers at Home" (Col.)

PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$3,500. (Average, \$3,500)

"Grapes of Wrath" (20th-Fox)

"Secret Four" (Mono.)

RIALTO—(878) (25c-40c) 7 days. "Grapes" 4th week. Gross: \$1,750. (Average, \$1,750)

Raise in Minimums Demanded by Equity

(Continued from page 1)

and another demanding that the council committee on unemployment and the experimental theatre cease its delay and that it report back with a full program for the next meeting.

Friday's meeting was attended by about 550 members but the announcement on the day previous that Bert Lytell, president, would accept a nomination for re-election forestalled any factional disputes. The discussion was enlivened by the appearance of William Brady, who castigated the Dramatists Guild for failing to cooperate with Equity on developing an experimental theatre.

The action on minimum wages was fought from the floor on the grounds that a raise in minimums might tend to reduce other salaries, but the resolution was adopted by a sizeable majority.

Bioff in Bail Plea Pending High Appeal

SPRINGFIELD, March 31.—Counsel for William Bioff, former motion picture labor leader, yesterday filed petition with Illinois supreme court for writ supersedeas and bail. The court will consider the petition Tuesday and if granted will allow Bioff freedom on bail pending the court's decision review conviction in 1922 on pandering charge. Bioff filed motion two weeks ago to review his 1922 conviction.

Scully and Heineman At Universal Studio

HOLLYWOOD, March 31.—William A. Scully, general sales manager, and William J. Heineman, Western sales manager of Universal, have arrived at the Universal studio for pre-convention conferences on new production.

Theatre and Personnel Notes

Desch Quits Monogram

KANSAS CITY, March 31.—Douglas Desch, formerly branch manager for Monogram here, and later salesman, has terminated his connection with the exchange.

Building Arkansas Theatre

HUNTSVILLE, Ark., March 31.—Carl Presley is building a new 350-seat theatre here for opening in early summer. Carl is the son of M. B. Presley, who operates the Globe at Savannah, Mo.

Open House in Frisco

SAN FRANCISCO, March 31.—New \$300,000 Grand, operated by D. B. Levin, has opened in the Mission District.

Opening California House

SIERRA MADRE, Cal., March 31.—Milton Weber will open a theatre here soon, following alterations to a Main St. building.

Rebuild Kansas City House

KANSAS CITY, March 31.—The DeGraw, Fox Midwest house at Boonville, Mo., is to be completely reconstructed, according to L. E. Pope, purchasing agent for Fox. Work will start this Spring.

Open Cleveland Theatre

CLEVELAND, March 31.—The Knickerbocker, neighborhood house, has been opened after redecoration.

Reseats K. C. Strand

KANSAS CITY, March 31.—W. D. Fulton is installing 550 new seats in the Strand, suburban house here, and is redecorating.

Named Circuit Booker

CINCINNATI, March 31.—Frank Weitzel, until recently manager of Trailer-Made Service here, has been named head booker of the Alpine Theatre Circuit, at Kingwood, W. Va., operating 11 regular and portable theatres in the West Virginia territory.

Building Georgia House

METTER, Ga., March 31.—Construction work is going forward on a new theatre building here replacing the Dixie, destroyed by fire several weeks ago. W. M. Karr is the owner.

Remodel Pawtucket House

PAWTUCKET, R. I., March 31.—Extensive alterations and complete redecoration of the Strand have been completed. The Strand, an M. & P. house, is managed by Al Lashway.

Building Canada Theatre

TORONTO, March 31.—Leslie Gregory, owner of two neighborhood theatres in Hamilton, Ont., is building another house, to be known as the York, which is scheduled to open July 1.

Midwest Shifts Managers

KANSAS CITY, March 31.—Ralph Bartlett, city manager at Jacksonville, Ill., for Fox Midwest Theatres, Inc., has been transferred to Wichita, Kan., in the same post. He succeeds Roy

Hollywood Reviews

"French Without Tears"

(Paramount)

HOLLYWOOD, March 31.—Made in England for Paramount release, "French Without Tears" is a romantic farce which captures the lighter moments of a highly successful stage play. It depicts the amorous adventures of a minx who visits a small men's school and disrupts the French studios of the several American and British gentlemen. Flirting with all but one whom, it turns out, she really loves, the girl achieves her goal, but not without a series of hilarious incidents.

Ray Milland and Ellen Drew are the names familiar to American audiences, and they enact the leading roles commendably. Of the supporting cast, most appreciated were Roland Culver, a comparative English newcomer, and Jim Gerald, as the choleric French professor. Others in the cast are Janine Darcey, David Tree, Guy Middleton, Kenneth Morgan, Margaret Yarde and Toni Gable.

Anthony Asquith, of "Pygmalion" fame, directed, with a flair for comedy, the pleasantly adept script of A. Grunwald and Ian Dalrymple, who adapted the play by Terence Rattigan. Mario Zampi produced this David E. Rose production.

It is specifically adult fare.

Running time, 65 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

"Zanzibar"

(Universal)

HOLLYWOOD, March 31.—Universal's "Zanzibar" is made to order for action fans, an adventure story set on the east coast of Africa and dealing with the perils encountered by an expedition seeking to gain the lost skull of a native ruler which would permit an unnamed foreign country to cause the natives to rebel against British rule.

Heading the expedition is a woman, played by Lola Lane, and the natives are stirred up by counter plotters. At the climax, her captured wild animals are loosed to frighten the natives as they are about to make a human sacrifice, a volcano erupts and puts the counter plotters out of the way, and romance blooms.

James Craig, Eduardo Cianelli, Tom Fadden, Clarence Muse, Samuel S. Hinds and Abner Biberman are the better known names of the cast. Maurice Tombragel and Maurice Knight wrote the original screenplay, which was directed by Harold Schuster. Warren Douglas is named as the associate producer.

Running time, 70 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Burford, Wichita manager for two years, who has taken a leave of absence. G. I. Hunter, Pittsburg, Kan., manager, goes to Jacksonville; Tom Steele, formerly at Hutchinson, Kan., goes to Pittsburg; Jay Wooten, manager at Dodge City, Kan., goes to Hutchinson; Earl Hilton, manager at Liberal, Kan., goes to Dodge City, and Ray Monzingo, assistant manager of the Fox, Hutchinson, goes to Liberal.

F. P. Canadian Building

NIAGARA FALLS, Ont., March 31.—Famous Players Canadian Corp., Toronto, has started the construction of the Seneca Theatre here, where the circuit has operated the Capitol for many years.

Opens Ontario House

BEAVERTON, Ont., March 31.—J. R. Grylls has opened the Strand here, the first theatre in that town.

Manages Ontario Theatre

TORONTO, March 31.—I. S. Hodnott has been promoted to manager of the Community Theatre, Kapuskasing, Ont., in succession to J. H. Swetman who went to England to become director of the Beaver Club in London for the use of Canadian soldiers on leave.

Close Kentucky Theatre

ST. LOUIS, March 31.—The State at Clay, Ky., has been closed.

Los Angeles Gives \$25,200 To 'Husbands'

LOS ANGELES, March 31.—Easter weekend grosses compensated for poor business during Holy Week. "Too Many Husbands," dualled at the Hillstreet and Pantages, took \$12,700 at the former and \$12,500 at the latter, totaling \$25,200. "Virg" drew \$16,400 at the Warner Hollywood and \$16,800 at the Warner Downtown.

Estimated takings for the week ending March 27:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) 75c-\$1.50, 7 days, 13th week. Gross: \$14,500. (Average, \$17,000)
"The Blue Bird" (20th-Fox)
"Viva Cisco Kid" (20th-Fox)
CHINESE—(2,500) 30c-75c, 7 days. Gross: \$9,400. (Average, \$12,500)
"The Grapes of Wrath" (20th-Fox)
4 STAR—(900) 30c-55c, 7 days, 4th week. Gross: \$4,500. (Average, \$3,250)
"Too Many Husbands" (Col.)
"The Marines Fly High" (RKO)
HILLSTREET—(2,700) 30c-65c, 7 days. Gross: \$12,700. (Average, \$6,500)
"The Blue Bird" (20th-Fox)
"Viva Cisco Kid" (20th-Fox)
LOEW'S STATE—(2,500) 30c-65c, 7 days. Gross: \$10,700. (Average, \$14,000)
"Too Many Husbands" (Col.)
"Little Orvie" (RKO)
PANTAGES—(3,000) 30c-65c, 7 days. Gross: \$12,500. (Average, \$7,000)
"Road to Singapore" (Para.)
PARAMOUNT—(3,595) 30c-65c, 7 days, 2nd week. Gross: \$18,000. (Average, \$18,000)
"Gone With the Wind" (M-G-M)
UNITED ARTISTS—(2,100) 75c-\$1.50, 7 days, 13th week. Gross: \$15,000.
"Virginia City" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) 30c-65c, 7 days. Gross: \$16,400. (Average, \$14,000)
"Virginia City" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) 30c-65c, 7 days. Gross: \$16,800. (Average, \$12,000)

'Pinocchio' Draws \$15,500, Cincinnati

CINCINNATI, March 31.—"Pinocchio" gave the RKO Capitol a big \$15,500 and held over, which is a rarity at this house. "Virginia City" pulled \$13,000 at the RKO Palace. Business at the other houses was below average.

Estimated takings for the week ending March 27-30:

"Pinocchio" (RKO)
RKO ALBEE—(3,000) (35c-42c) 7 days. Gross: \$15,500. (Average, \$12,000)
"Virginia City" (W. B.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$13,000. (Average, \$10,000)
"Marines Fly High" (RKO)
RKO SHUBERT—(2,150) (40c-60c) 7 days. Stage: Vaudeville headed by Dixie Dunbar. Gross: \$8,700. (Average, \$10,000)
"Young Tom Edison" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$4,500. (Average, \$6,500)
"Northwest Passage" (M-G-M)
RKO LYRIC—(1,400) (25c-40c) 7 days, 3rd week. Gross: \$4,000. (Average, \$5,000)
"Isle of Destiny" (RKO)
"West of Carson City" (Univ.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,400. (Average, \$1,500)
"Young As You Feel" (20th-Fox)
"Goose Step" (Prod. Dist.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"Castle on the Hudson" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$4,300. (Average, \$6,000)

Mestanza Appointed

S. G. Krivit, president and publisher of Guildhall Publications, Inc., has appointed H. Alban-Mestanza, formerly editor of *Teatro al Dia* as editor of the Spanish-language trade paper group comprising *Papelaria, Imprenta y Litografia and Manufactura*.

RKO's Sales Chiefs Meet Here May 27

(Continued from page 1)

executives and independent producers associated with the company.

The foreign department will be represented by a delegation from abroad as well as the home office.

District managers Nat Levy, E. L. McEvoy, MacIntyre and Branson, L. E. Goldhammer, Robert E. Mochrie, H. C. Cohen and L. M. Devaney, and all branch managers and salesmen from the company's 38 branches in this country and Canada, and special field representatives will attend.

A convention committee has been named by Depinet consisting of A. A. Schubart, manager of exchange operations; M. G. Poller, head of the playdate department; S. Barret McCormick, advertising and publicity director; Leon Bamberger, sales promotion manager; W. J. McShea, assistant to Schubart; L. E. Gaudreau, purchasing agent; Rutgers Neilson, publicity manager, and Harry Gittle-son, editor of the house organ.

Improve Stanley Theatre

PHILADELPHIA, March 31.—Plans have been completed for exterior and interior improvements at the Broadway, Stanley-Warner neighborhood key house here.

"Helped"

... "I HAVE BEEN GOING THROUGH MY MOTION PICTURE HERALDS WHICH NOW NUMBER ABOUT 75. I KEEP THESE AT MY SIDE LIKE A FAITHFUL DOG. I MAY EVEN GO SO FAR AS TO SAY THAT THEY HAVE HELPED ME OUT OF MANY A BRAIN PAUSE, AND BELIEVE YOU ME THEY DO COME QUITE OFTEN WHEN BUSINESS IS BAD." ...



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H. R. HELLERICH

Manager

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of horror resurrects
his enemies from
a tomb of ice...to
slaughter them in
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VOL. 47, NO. 65

NEW YORK, U. S. A., TUESDAY, APRIL 2, 1940

TEN CENTS

Senate Probe On Television Stand by FCC

Lundeen Asks Inquiry, Attacks Commission

WASHINGTON, April 1.—Congressional investigation of the activities of the Federal Communications Commission in connection with television was asked today in a resolution introduced in Congress by Senator Ernest Lundeen of Minnesota.

Primarily the investigation, to be made by the Senate Interstate Commerce Committee, would determine whether the Commission has exceeded its authority and "whether it has interfered with the freedom of public and private enterprise."

Introducing the resolution, Senator Lundeen criticised the action of the Commission in suspending the order permitted limited commercialization beginning next September.

"I am not at all sure that the F.C.C. was ever delegated such authority as it is attempting to exercise," he declared. He referred to claims of Radio Corporation of America that it has

(Continued on page 7)

50 RKO Pictures Set Next Season

RKO will produce approximately the same number of pictures for next season as it has for the past several seasons, or a total of 50 to 52 pictures, including westerns and releases from outside producers, the company's chief executives stated yesterday at a press conference here.

George J. Schaefer, RKO president, who returned yesterday from a Florida vacation; Ned E. Depinet, vice-president and distribution head, and Harry Edington, in charge of the company's top bracket productions, participated in the conference.

Edington arrived from the Coast yesterday to confer with Schaefer and to make arrangements with George Abbott for production and casting of "Too Many Girls," Broadway musical. He is scheduled to leave for the Coast Friday.

Schaefer said the company will have about 26 top-bracket productions for new season release, about 18 of which will come from studio producers under Edington and the remainder from outside producers. Among these he named Herbert Wilcox, two productions; Max Gordon and Harry Goetz, two;

(Continued on page 5)

Subs for His Son Who Asks Day Off

When one of the "dwarfs" atop the marquee of the Palace theatre, on Broadway the other day was gesticulating strangely in the interests of "Pinocchio," the management investigated.

The "dwarf" in question was required to remove his mask, and was discovered to be considerably older than the Western Union messenger boys who perform for the street crowds. Questioned, the man confided that he was "batting for my boy." The boy wanted the day off, so Pop subbed for him.

Industry Escapes Adverse N.Y. Laws

ALBANY, April 1.—The 1940 legislature adjourned Sunday morning after a busy session marked by the wholesale slaughter of bills inimical to the film industry. On the other hand, the legislature rejected Gov. Lehman's budget suggestions for a "steepened curve" income tax which would have brought in \$15,000,000 revenue.

Outdoor advertising regulation was twice beaten, once a few hours before final adjournment. Last week, the Wright-Griffith bill was defeated 87-48 under the leadership of Assemblyman William T. A. Webb. Smalley

(Continued on page 5)

19 Ticket Agencies Threaten 'Strike' in Code Controversy

Angered because the League of New York Theatres Code Enforcement Authority penalized three of their number for alleged violation of the ticket code, 19 independent ticket agencies are threatening a three week's stoppage of ticket sales.

Due to the failure of both the League and the Associated Theatre Ticket Agencies to settle the controversy, the "strike" is likely to start next Monday, it was said.

Terming the A.T.T.A. "one little group," James F. Reilly, executive secretary of the League, declared that the "strike" would have little effect on Broadway legitimate theatre grosses. On the other hand, Gustave A. Gerber, attorney for the brokers, declared that the sale of 25,000 tickets normally handled by the 19 brokers would be lost.

The Authority had suspended from

EASTER GROSSES BIGGEST IN YEARS

U. S. Charges New Coercions in More Trust Suit Answers

The Government yesterday filed a second supplemental bill of particulars in the U. S. District Court in the "key" anti-trust suit against the eight majors in which it listed additional instances of alleged coercive acquisitions of theatres and of discriminatory selling practices.

The bill itemized 149 theatres which the majors are charged with obtaining an interest in 103 listed instances by either refusing to sell product to the independent owner or threatening to open rival houses. Details as to the date of the transaction and the method of acquisition employed are set forth. The statement covers 31 states.

A list of 68 instances in which "major distributors, including Columbia, permitted an exhibitor to overbuy motion pictures" also is annexed to the bill. In 28 instances Twentieth Century-Fox theatres were permitted to overbuy, the bill stated. Paramount followed with 24 listings, then Warner Brothers with eight and

(Continued on page 2)

Holiday Boom Over U. S.; 'Rebecca' at Music Hall Soaring to \$120,000

The Easter holiday brought one of the biggest boxoffice booms in recent years to theatres all over the United States.

This exceptional increase in business is attributed to an abundance of high quality product from the studios, favorable weather breaks and a noticeable improvement in economic conditions.

In New York, grosses reached unusually high proportions, especially at the Music Hall where "Rebecca" is likely to garner \$118,000 to \$120,000 for its first seven days ending Thursday.

Music Hall attaches said the picture will prove to be one the five heaviest grossers in the theatre's seven-year history. "Top Hat," Astaire-Rogers film, holds the Music Hall record with \$138,000 for a week which included Labor Day of 1935.

Among the pictures given most of the credit for the strong boxoffice stimulus are "Gone With the Wind," "Pinocchio," "It's a Date," "Rebecca," "Northwest Passage," "Road to Singa-

(Continued on page 7)

Theatres Affected In Flooded Areas

With many rivers overflowing and flood conditions prevailing in northern Pennsylvania and upper New York state, theatres and film business in general are suffering business loss and in some instances actual physical damage.

More than a score of persons are known dead and more than 100,000 are homeless in the inundated sectors. Wilkes-Barre, Kingston, Plymouth and Sunbury, Pa., are the hardest hit,

(Continued on page 6)

Banned by Detroit, Okayed by Chicago

Chicago, April 1.—The Chicago Censor Board today approved "Primrose Path" for adult patronage. No cuts were ordered. "Strange Cargo" was granted a general permit. Both films were simultaneously banned in Detroit last week.

(Continued on page 6)

Supplemental Trust Replies Filed by U. S.

(Continued from page 1)

RKO-Loew with one. The balance consisted of independent houses.

Columbia Pictures received special attention in the Government statement. The bill detailed five instances in which Columbia is claimed to have prohibited the exhibition of its pictures as part of a double feature program and 38 examples where that company allegedly restricted admission prices in houses to which it sold product.

Part of the information furnished in the bill was recently obtained by the Government while the balance was kept confidential until 30 days prior prosecution of the New York suit.

U. S. to Answer 7 of 10 Columbia Interrogatories

The Government will answer seven of Columbia's 10 separate interrogatories as a result of an agreement reached yesterday by Louis D. Frohlich, Columbia counsel, and William P. Farnsworth, special attorney for the Department of Justice in the prosecution of the New York anti-trust suit.

The seven answers will be in addition to the set of consolidated answers furnished all defendants by the Government. Columbia had served the Government with 10 queries in addition to those included in the consolidated interrogatories of the other defendants.

Purely Personal

A-MIKE VOGEL, chairman of the Managers Round Table of *Motion Picture Herald*, returned from the Coast yesterday following stopovers at San Francisco, Phoenix, Tucson, Dallas, Oklahoma City, Chicago, Cincinnati and Washington, conferring with theatre men in each city.

HOWARD DIETZ, TOM CONNORS, BARNEY BALABAN, SAM SHAIN, JOE VOGEL, ADOLPH ZUKOR, GRADWELL SEARS, OSCAR DOOB, CARL LESSERMAN, HERMAN ROBBINS, HARRY BERNSTEIN, A. H. BLANK, CHARLES CASANAVE, LEONARD GOLDENSON, TOBY GRUEN, at Dinty Moore's for lunch yesterday.

LOUIS NIZER, LOU DIAMOND, GEORGE DEMBOW, CHARLES E. MCCARTHY, ILKA CHASE, MAX GORDON, SIDNEY PHILLIPS and ED SAUNDERS were among those at Nick's Hunting Room in the Astor for lunch yesterday.

ARTHUR SILVERSTONE, aide to HARRY GOLD, vice-president in charge of Eastern sales of United Artists, is in Philadelphia today for conferences with Philadelphia and Washington branch managers of the company.

HARRY RUBY, HENRY SPITZER, GEORGE WEEKS, JOSEPH MALCOLM, SAM CITRON, W. RAY JOHNSTON and TOM LOACH were among those lunching at the Tavern yesterday.

JOHN NOLAN, executive of Comerford Theatres, suffered injuries in an automobile accident near Atlantic City on Sunday.

JACK COHN, HAL HORNE, JACK GOETZ, ABE MONTAGUE, NATE SPINGOLD lunching at Lindy's (51st St.) yesterday.

S. A. LYNCH is in New York for business conferences.

Sears Goes to Coast For Warner Parley

Gradwell L. Sears, general sales manager of Warners, left last night for the Coast to confer on plans for the company's forthcoming national sales convention. He was accompanied by Sam Schneider, company executive.

Sears will confer with Harry M. Warner, president; Jack L. Warner, production chief; Hal B. Wallis, executive producer, and S. Charles Einfield, director of advertising and publicity. Merchandising plans on Spring and Summer releases will also be discussed.

Among these will be "The Sea Hawk," "All This and Heaven, Too," "Torrid Zone," "Til We Meet Again," "Saturday's Children" and "It All Came True."

Seek Cut in British Tax on Admissions

LONDON, April 1.—Deputations representing the Cinematograph Exhibitors Association and the National Association of Theatrical and Kine Employees will appeal to the Chancellor of the Exchequer next weekend for reduction of admission taxes.

LEO SPITZ, will leave Miami for Chicago, on Sunday.

JOSEPH I. BREEN, production Code Administrator, will be the principal speaker at the 50th anniversary dinner of the Roman Catholic High School in Philadelphia April 29. BREEN was of the 1906 class.

H. T. CRAVEN, veteran film critic in Philadelphia, will participate in a forum on censorship April 12 at the Whittier Auditorium, sponsored by the Philadelphia Civil Liberties Committee.

MRS. HENRY B. MILLER and MRS. WILLIAM H. CORNWELL have been appointed to head the motion picture division of the Philadelphia Federation of Women's Clubs.

IRVING COOPERSMITH assistant manager of the Strand, Philadelphia, is recovering after a stomach operation at the Temple University Hospital in that city.

HOWARD W. EVENS, manager of Loew's State, St. Louis, and Mrs. EVENS celebrated their 17th wedding anniversary last week.

MONTY BANKS, director, and his bride, GRACIE FIELDS, sailed Saturday on the *Conte di Savoia* for England.

FRANK X. RELLER, assistant treasurer of Loew's State, St. Louis, is vacationing in the Ozark Mountains.

ROY DISNEY and GUNTHER LESSING of Walt Disney Prod. arrived from the Coast yesterday.

NAT HOLT, RKO Theatres Division manager in Cleveland, was in New York yesterday.

TYRONE POWER and ANNABELLA arrived yesterday from the Coast, to remain here all week.

CARY GRANT is due today from Panama on the *Santa Elena*.

Pommer Returning After Brief N. Y. Stay

Erich Pommer, Mayflower producer, will leave for the Coast tomorrow after a brief visit in New York.

Pommer arrived yesterday to confer with RKO officials and to see the Broadway play, "Two On An Island," which has been acquired by RKO and which he will produce for that company.

S. Barret McCormick, RKO advertising and publicity director, arrived from the Coast yesterday with Pommer after two weeks of conferences with studio executives on announcement plans for new season's productions.

General Theatres Profits

General Theatres Equipment Corp. (excluding certain subsidiaries) showed a net profit of \$696,062 for the year ending Dec. 31, equal to \$1.17 a share on 592,887 shares of common stock. This is compared with \$507,267 or 85 cents a share in 1938.

LYNN FARNOL, United Artists advertising and publicity director, will return today after attending the premiere of "One Million B. C." at Louisville last night.

LIGE BRIEN, Quigley Grand Awards winner for 1939 and manager of Warners' Prince Theatre, Ambridge, Pa. has announced his engagement to EVELYN WOLK of Pittsburgh.

HAROLD POSTMAN, assistant T. J. CONNORS, M-G-M division manager, and CLARENCE RITZLER, M-G-M office manager in St. Louis, observe birthdays tomorrow.

SAUL JACOBS, Paramount branch manager in Port of Spain, Trinidad, B. W. I., and Mrs. JACOBS are the parents of a girl, DIANE MARGARET, born March 24.

MONROE GREENTHAL, United Artists exploitation manager, left yesterday for Buffalo and Cleveland for work on openings of "My Son, My Son!" in those cities.

JOSEPH R. VOGEL, Loew executive, and LEOPOLD FRIEDMAN, general attorney for the company, have returned from a Havana vacation.

SIDNEY R. KENT, president of 20th Century-Fox, and Mrs. KENT return tomorrow from a Florida vacation.

DAVID O. SELZNICK will arrive from the Coast on Friday.

M. J. SIEGEL, president of Republic Productions, has returned to the Coast.

GEORGE MURPHY arrived in town from the Coast yesterday.

M-G-M, Columbia In Dispute on Title

The M.P.P.D.A. title registration committee today is scheduled to hear an M-G-M protest against Columbia's use of the title "Three Weeks Together." M-G-M owns the film rights to "Three Weeks," the title of an Elinor Glynn novel.

Columbia is releasing this month a British-made production starring Vivien Leigh and Laurence Olivier, originally titled "21 Days." The picture was re-titled "Three Weeks Together" for American release.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Detroit Gives Biggest Gross To 'Singapore'

DETROIT, April 1.—"Road to Singapore" and "Swiss Family Robinson" at the Michigan with a \$20,000 gross did the biggest business in downtown houses despite inclement weather. Cold, ice and snow came with the end of Lent and cut heavily into the grosses anticipated at the other houses.

Estimated takings for the week ending March 28:

"Green Hell" (Univ.)
 "Blondie on a Budget" (Col.)
 ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
 "The Hunchback of Notre Dame" (RKO)
 "Secret of Dr. Kildare" (M-G-M)
 FISHER—(2,700) (15c-55c) 7 days. Gross: \$7,500. (Average, \$7,000)
 "The Blue Bird" (20th Fox)
 "Abe Lincoln in Illinois" (RKO)
 FOX—(5,000) (20c-55c) 7 days. Gross: \$17,000. (Average, \$15,000)
 "Road to Singapore" (Para.)
 "Swiss Family Robinson" (RKO)
 MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$20,000. (Average, \$12,000)
 "Young Tom Edison" (M-G-M)
 "The Marines Fly High" (RKO)
 PALMS—(2,000) (15c-50c) 7 days. Gross: \$8,000. (Average, \$7,000)
 "Gone With the Wind" (M-G-M)
 UNITED ARTISTS—(2,000) (75c-\$1.10-\$1.50) 9th week. 7 days. Gross: \$15,000. (Average, \$10,000 regular movies).
 "Gone With the Wind" (M-G-M)
 WILSON—(1,912) (75c-\$1.10-\$1.50) 9th week. 7 days. Gross: \$19,000. (Average road shows, \$30,000)

'Date' Is Pittsburgh Smash with \$13,000

PITTSBURGH, April 1.—"It's a Date" at the Harris Alvin outpulled everything else in town with \$13,000, and "Virginia City" showed a profitable \$16,500 at Loew's Penn. First of two-week films only bills at the Stanley brought \$14,000 with "Pinocchio."

Estimated takings for the week ending March 28:

"It's a Date" (Univ.)
 ALVIN—(1,750) (25c-35c-50c) 7 days. Gross: \$13,000. (Average, \$7,000)
 "A Child Is Born" (W. B.)
 FULTON—(1,700) (25c-40c) 6 days, 2nd week. Gross: \$2,300. (Average, \$5,000)
 "Virginia City" (W. B.)
 LOEW'S PENN.—(3,400) (25c-35c-50c) 7 days. Gross: \$16,500. (Average, \$13,000)
 "Dr. Ehrlich's Magic Bullet" (W. B.)
 RITZ—(800) (25c-35c-50c) 7 days, 2nd week. Gross: \$3,000. (Average, \$4,000)
 "Pinocchio" (RKO)
 STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: \$14,000. (Average, with stage show, \$17,000)
 "Gone With the Wind" (M-G-M)
 WARNER—(2,000) (75c-\$1.10-\$1.65) 7 days, 9th week. Gross: \$17,500. (Average, \$5,000)

'Singapore' Pulls \$10,500 in Omaha

OMAHA, April 1.—Two holdovers, were at downtown houses with general theatre business on the upswing. "Road to Singapore" soared to \$10,500 at the Omaha and "Pinocchio" at the Brandeis drew \$7,100.

Estimated takings for the week ending March 27-28:

"Pinocchio" (RKO)
 "Courageous Dr. Christian" (RKO)
 BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$7,100. (Average, \$4,000)
 "Road to Singapore" (Para.)
 "Calling Philo Vance" (W. B.)
 OMAHA—(2,200) (25c-40c) 7 days. Gross: \$10,500. (Average, \$6,000)
 "Bluebird" (20th-Fox)
 "Over the Moon" (U. A.)
 ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$5,600. (Average, \$7,200)

Hollywood Review

"Star Dust"

(20th Century-Fox)

HOLLYWOOD, April 1.—This is a picture telling of a little known aspect of Hollywood's film making—the talent scout. Rich in human values and devoid of any attempt to emulate such fiction as "Once in a Lifetime" and "A Star Is Born," this 20th Century-Fox offering is a straight-forward piece of merchandise containing many scenes of Hollywood which are exploitation assets the length and breadth of the land.

Linda Darnell receives starring credit as the young western girl who, failing in her initial screen test, stays on in Hollywood trying to "get a break." Playing opposite her is John Payne, whose portrayal of the conceited college football player also seeking film fame will make some persons wonder where he has been hiding all this time.

Chief in support are Roland Young, as a silent film star turned talent scout; Charlotte Greenwood as a dramatic coach of the lot; William Gargan, as the head of the studio; Donald Meek, casting director; Mary Beth Hughes and Mary Healy, other young hopefuls. All of the cast perform admirably, Miss Darnell and Payne doing exceptionally well.

Robert Ellis and Helen Logan, prolific scenarists, adapted the original story of Jesse Malo, Kenneth Earl and Ivan Kahn to pace out a human interest story neatly dotted with comedy. Walter Lang directed this. Kenneth MacGowan is the associate producer.

Running time, 90 minutes. "G."*

VANCE KING.

*"G" denotes general classification.

Theatre, Personnel Notes

Hunts to Open New House

WILDWOOD, N. J., April 1.—Hunt's New Casino Theatre, the 13th in William C. Hunt's circuit covering southern New Jersey and eastern Pennsylvania, will be opened on April 11. Guy and Bud Hunt will manage the house until the summer season, when a resident manager will be brought in.

Memphis Orpheum to Reopen

MEMPHIS, Tenn., April 1.—The Orpheum will reopen April 19 under the name of "The Malco." M. A. Lightman said that his present Malco Palace is "definitely being turned back to Loew's" and that the Malco portion of the name will be transferred to the Orpheum.

Reopen Philadelphia House

PHILADELPHIA, April 1.—The Stanley-Warner Cadet has reopened for Thursday, Friday and Saturday operation, with a double feature policy. Maurice Goldberg, assistant manager at the Midway, will fill in at the Cadet for the three days.

Fulton Remodels Four

KANSAS CITY, April 1.—A program of remodeling, redecoration and reequipping is under way in W. D. Fulton's four theatres here. The four are the Southtown, Strand, Vogue and State in Kansas City, Kan.

Warners Promote Sullivan

CAMDEN, N. J., April 1.—Lin Sullivan has been promoted to assistant manager of the newly reopened Stanley-Warner Grand. He was formerly associated with the Stanley and previously with the old Grand.

Reopen Wisconsin House

KENOSHA, Wis., April 1.—The renovated Vogue Theatre has reopened here under the direction of Standard Theatres, with Nick Coston as manager.

Operating N. C. Theatre

LEXINGTON, N. C., April 1.—I. C. Holloway, manager of both local theatres, has resigned to go to Newton, where he has purchased and will operate an independent theatre. J. C. Cartledge, manager of the State at Salisbury, will succeed Holloway here.

Close Pioneer Office

DES MOINES, April 1.—The Des Moines office of Pioneer Theatre Corp. has been closed and the management of the firm's 17 Iowa theatres taken over by the Minneapolis office.

Solomon to 20th-Fox

Edward Solomon, for 15 years a member of the Balaban & Katz publicity department in Chicago, will join the home office publicity department of 20th Century-Fox on April 12.

'Passage' Ahead In Montreal Boom

MONTREAL, April 1.—Easter Week made up for a lot of things here. Loew's grossed \$14,000 on "Northwest Passage" and it was held over. Children were admitted to the Capitol for "The Blue Bird" under special Government permission and the gross was \$6,800. "Rebecca" brought \$9,600 to the Orpheum. "It's a Date" accounted for \$9,300 at the Palace.

Estimated takings for the week ending March 29:

"The Bluebird" (20th-Fox)
 CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,800. (Average, \$8,000)
 "Northwest Passage" (M-G-M)
 LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: \$14,000. (Average, \$8,000)
 "Rebecca" (U. A.)
 ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: \$9,600. (Average, \$5,000)
 "It's a Date" (Univ.)
 PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$9,300. (Average, \$10,000)
 "Brother Rat and a Baby" (W. B.)
 "Calling Philo Vance" (W. B.)
 PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$4,300. (Average, \$5,500)

'Mice' Draws Well in Loop With \$11,300

CHICAGO, April 1.—"Of Mice and Men" was the smash Easter attraction in the Loop, giving the Apollo a fine \$11,300. "Pinocchio" at the Palace was another hit, getting \$18,000. "Young Tom Edison" at the United Artists drew \$14,000. Extreme bad weather prevented record grosses on the weekend.

Estimated takings for the week ending March 27-30:

"Of Mice and Men" (U. A.)
 APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$11,300. (Average, \$6,000)
 "Road to Singapore" (Para.)
 CHICAGO—(4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Horace Heidt and band. Gross: \$30,200. (Average, \$32,000)
 "Three Cheers for the Irish" (W. B.)
 GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$3,600. (Average, \$5,000)
 "Gone With the Wind" (M-G-M)
 ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 7 days, 9th week. 3 shows daily. Gross: \$38,700. (Average, \$13,000)
 "Pinocchio" (RKO)
 "Courageous Dr. Christian" (RKO)
 PALACE—(2,500) (35c-55c-75c) 7 days. Gross: \$18,000. (Average, \$12,000)
 "The Bluebird" (20th-Fox)
 ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: \$7,000. (Average, \$11,000)
 "Invisible Stripes" (W. B.)
 STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Buddy Rogers & Band. Gross: \$16,200. (Average, \$14,000)
 "Young Tom Edison" (M-G-M)
 UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: \$14,000. (Average, \$14,000)
 "Gone With the Wind" (M-G-M)
 WOODS—(1,100) (\$1.10-\$1.50) 7 days, 9th week. 2 shows daily. Gross: \$14,000.

'Rebecca' St. Louis Winner at \$18,700

ST. LOUIS, April 1.—Recording its best business since the first of the year, Loew's State took \$18,700 with "Rebecca." At the Ambassador "Road to Singapore" chalked up \$8,500 for the second week.

Estimated takings for the week ending March 28:

"Rebecca" (U. A.)
 "Outside the Ten-Mile Limit" (Col.)
 LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$18,700. (Average, \$13,000)
 "Grapes of Wrath" (20th-Fox)
 FOX—(5,038) (25c-40c-55c) 6 days. Gross: \$6,000. (Average, 7 days, \$11,000)
 "Road to Singapore" (Para.)
 "Five Little Peppers" (Col.)
 AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$8,500. (Average, \$11,500)
 "Pinocchio" (RKO)
 "Swiss Family Robinson" (RKO)
 MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$4,500. (Average, \$4,000)
 "Shooting High" (20th-Fox)
 "Isle of Destiny" (RKO)
 ST. LOUIS—(4,000) (25c-45c) 7 days. Gross: \$3,800. (Average, \$2,600)

Nick, Weston, Appeal Decision in St. Louis

ST. LOUIS, April 1.—John P. Nick, former head of the operators union, Local 143, and Clyde Weston, ex-business agent, were allowed an appeal to the Missouri Supreme Court from Circuit Judge Ernest F. Oakley's recent decree ousting them from permanent control of the union and permanently enjoining them from interfering with its affairs.

The Eden Theatre Co. operator of the Fox also took an appeal from a decision denying them permission to sue receivers of the union for losses allegedly suffered because of union picketing.

Industry Escapes New Adverse Laws In N.Y. Legislature

(Continued from page 1)
manager at Sidney. On Saturday night, the final Rules Committee report brought out Assemblywoman Jane Todd's bill to set up a commission to investigate and study the situation. It was buried under a 115-25 vote.

The legislature passed a bill limiting the price of theatre tickets to 75 cents. The five premium price, sponsored by Assemblyman MacNeil Mitchell. Also passed was a measure to eliminate the confusion in the housing law which permits municipalities to levy a tax on admissions, the clarification concerning 50-cent tickets.

One bill fought by the industry, Senator William Condon's bill amending the general business law concerning plans and specifications for the construction of projection booths, reached the Senate third reading calendar but moved no further.

The legislature passed the Dunningan pari-mutuel bill for horse race betting, protecting, however, a \$1.50 minimum admission except for field seats at Saratoga. Only place where exhibitors expect new competition is in the neighborhoods of the four new tracks permitted by the bill.

Killed outright was an Anti-Ascap measure, which died in committee along with a number of anti-discriminatory measures, several Bingo legalization bills, and a civil rights bill concerning right of admission to theatres.

Frisco Fair Union Agreement Is Near

SAN FRANCISCO, April 1.—Only a few problems remain before an agreement is reached between "Fair in '40" and unions representing the hundreds of entertainers who will perform on Treasure Island this year, according to Vic Connors, local agent of Associated Actors and Artistes of America.

Only difficulties remaining involved actors for "Cavalcade of America" and for performers in Billy Rose's Aquacade. A six-day week is sought for "Cavalcade" players and a boost over last year's \$80 a month paid walkon performers. Principal unions involved are AGVA, AFRA, and Actors and Chorus Equity Association.

Denver Screen Club Banquet Draws 400

DENVER, April 1.—Theatre Owners and Managers of the Rocky Mountain Region devoted their meeting Saturday to the Founders Day celebration of the Rocky Mountain Screen Club. Robert J. O'Donnell, chief barker of the Dallas Variety Club, addressed the banquet, attended by nearly 400.

Plagiarism Suit

Twentieth Century-Fox Film Corp. was named defendant yesterday in a plagiarism suit filed in the U. S. District Court by Earl Hobson Smith which asked for an injunction, accounting and damages. Defendant is charged with pirating the plaintiff's play, "Stephen Foster or Weep No More My Lady," in the film, "Swanee River."

Hollywood Review

"And One Was Beautiful"

(M-G-M)

HOLLYWOOD, April 1.—Based on the Alice Duer Miller magazine story, "And One Was Beautiful," as it reaches the screen places more showmanly emphasis on comedy and romantic aspects than on the melodramatic basis of the story.

The tale is of two sisters in love with the same man, with one, impelled by cowardice and selfishness, allowing him to be jailed for her criminal offense of running down a cyclist; while the other solves the crime and proves her faith in the alleged criminal. The fact that the former is lovely does not prevent the love of the man for the more idealistic, and younger, of the sisters.

Jean Muir, in her first film role in two years, is the older, Laraine Day, most recently seen in "My Son, My Son," is the younger of the sisters; with Billie Burke as their mother and Robert Cummings as the young man in the case.

Harry Clark's screenplay and Robert Sinclair's direction place emphasis on the comedy deriving from social functions and the awakening romance of a young girl. Frederick Stephani produced.

Running time, 70 minutes. "G."*

W. S.

*"G" denotes general classification.

Grainger and Yates Flying to Premiere

James R. Grainger, president of Republic Pictures, and H. J. Yates, president of Consolidated Film Industries, leave tonight by plane for Lawrence, Kan., to attend the world premiere of "Dark Command" at the Granada and Dickinson theatres on Thursday. The film will continue at the Dickinson for a regular run.

Grainger expects about 200 exhibitors in the Midwest area to attend the opening and celebration which is being staged by the Lawrence Board of Trade and city officials. There will be a parade Thursday afternoon, and the festivities will be climaxed by the burning of a replica of the frontier town as it was in the days of Quantrell the Raider, whose exploits are made the basis of the picture. William Saal of the studio is supervising arrangements.

A studio delegation will include several players, with Claire Trevor, John Wayne, Roy Rogers and George (Gabby) Hayes expected.

Among circuit executives who have informed Grainger they will be present are R. J. O'Donnell, Interstate, Dallas; Harry Arthur, St. Louis; Elmer C. Rhoden, Fox Midwest, Kansas City; Ralph Goldberg, Omaha; Howard Federer, Dent circuit, Lincoln, Neb.; Ed Dubinsky, Kansas City, and Clarence Schultz, Commonwealth Theatres, Kansas City.

Republic franchise owners expected to attend are Irving Mandel, Chicago; Gilbert Nathanson, Minneapolis; E. J. Tilton and Harry Warren, Omaha and Des Moines; A. C. Bromberg, Atlanta; Claude C. Ezell and W. G. Underwood, Dallas; Sol Davis and Morris Loewenstein, Oklahoma City; Nat Steinberg and Barney Rosenthal, St. Louis, and A. B. Busby, Little Rock.

'Verdi' Benefit Tonight

An Italian film, "The Life of Giuseppe Verdi" will open at the Fine Arts Theatre this evening, with the proceeds of the special reserved seat premiere going to the Metropolitan Opera Fund.

Takes Over Franchise

MILWAUKEE, April 1.—Charles D. Koehler has taken over the franchise for the distribution of Astor Pictures Corp. in this territory. Koehler has been associated with the film business here for more than 30 years.

New Company Formed

ALBANY, April 1.—Producers Releasing Corp., originally formed in New York, has been incorporated here by Robert S. Benjamin, Seymour M. Peyser and Sidney Freiberg.

50 RKO Pictures Set Next Season

(Continued from page 1)

Towne & Baker, number not set; Orson Welles, two, and Harold Lloyd, one.

Schaefer said all productions from outside producers would not total more than 12 pictures.

Edington said the new season schedule probably would include one Irene Dunne picture; two Charles Laughtons; one Ronald Colman; three Ginger Rogers, two with Cary Grant; two Carole Lombards, on a three-year, six-picture deal; two Anna Neagles; two Maureen O'Haras, two Charles Laughtons, one with Carole Lombard and one with Elsa Lanchester; one with Anne Shirley and one with Lucille Ball.

Edington was guest of honor yesterday at a cocktail party at the Sherry-Netherland given by RKO and attended by company executives and trade press representatives.

Among those present were: Schaefer, Depinet, W. J. Merrill, John Farmer, Phil Reisman, S. Barret McCormick, Cresson E. Smith, William E. Clark, Malcolm Kingsberg, Martin Quigley, John J. O'Connor, Leon Goldberg, Sam Shain, Harold Hendee, Max Fellerman, Fred Meyers, Nat Holt, L. E. Thompson, H. M. Richey, William Howard, Sol Schwartz, Chester Bahn, Harry Mandel, Richard C. Patterson and Terry Turner.

Also, Henry Holms, Rutgers Neilson, Arthur Willis, Leon Bamberger, Gunther Lessing, Erich Pommer, M. G. Poller, William J. McShea and Harry Gittleston.

"The DARK COMMAND"

RAOUL WALSH • DIRECTOR

with

CLAIRE TREVOR • JOHN WAYNE • WALTER PIDGEON

ROY ROGERS • GEORGE HAYES • PORTER HALL
MARJORIE MAIN • RAYMOND WALBURN



"Cantrell's guerrillas are burning and pillaging northern and southern towns!"

A Republic PICTURE

Theatres Affected In Flooded Areas

(Continued from page 1)

being in the center of a 300-mile area which is fighting flood conditions.

Business is suspended in flooded cities and schools are closed. Theatres, too, are shut down.

Lower temperatures eased the situation in upper New York but south of Rochester the Genesee River is raging. A state of emergency exists at Binghamton where the Susquehanna and the Chenango are expected to reach their peaks today. Hundreds of families have evacuated their homes.

The Comerford circuit operates theatres in the flood-struck areas. Home offices in New York City are anxiously waiting to learn more definite news about the effect of the flood upon their theatres.

Grant Modification In Vineland Case

PHILADELPHIA, April 1.—Judge William H. Kirkpatrick in United States District Court here Saturday granted modifications in the subpoenas requested by Warner Brothers Theatres and the major distributors, defendants in an anti-trust suit instituted by the Landis Theatre of Vineland, N. J.

Attorneys for the circuit argued that certain books and records ordered of local exchange managers, who have been called in as witnesses, are not necessary for the adjudication of the case, which comes up before Judge Kirkpatrick on April 8 for a final hearing.

Pathe Film 1939 Net Reaches \$424,489

Pathe Film Corp. has reported net profit of \$424,489 after interest, Federal income taxes and other charges, for the year ended Dec. 31, 1939. The net is equal, after dividend requirements on the \$7 cumulative, convertible preferred stock, to 64 cents per share on 581,679 shares of common. The net compares with net profit of \$77,158 for 1938, or four cents per share.

Net profit of Du Pont Film Manufacturing Corp. for the year ended Dec. 31, 1939, was \$1,650,274 after charges and Federal taxes, compared with \$1,259,566 in 1938. Pathe Film owns 3,500 shares (35 per cent) of the capital stock of Du Pont Film.

Walter Miller Dies

HOLLYWOOD, April 1.—Walter C. Miller, 48, veteran screen actor, who in recent years has appeared in a number of serials and westerns, died over the weekend. Following work on the stage, Miller's film career began with D. W. Griffith of the old Biograph Company. His early films include "The Mothering Heart," Alliance; "Miss Robinson Crusoe," Metro, and "The Marble Heart," Fox Films.

Fleischman Rites Held

PHILADELPHIA, April 1.—Funeral services were held here today for Gilbert Fleischman, 44, head booker for the 20th Century-Fox Exchange here for 20 years, who died yesterday in Graduate Hospital after a long illness. He is survived by his wife, Sarah and a daughter Ilene.

Studios Start Preparation On New High Budget Films

HOLLYWOOD, April 1.—Announcement of preparations for several high budget pictures, set for the next season by various studios, took the fore this week as the most noteworthy news of an otherwise dull period. RKO announced that DAVID BUTLER's next picture for it will be "Photo Finish," to be made in color with a race horse background. BUTLER, JAMES KERN and JAMES EDWARD GRANT wrote the original story, and services of BARBARA STANWYCK are being sought.

JOHN BALDERSON was put to work on "Khyber Rifles," a DARRYL F. ZANUCK special at 20th Century-Fox which has been on the fire for some time. M-G-M put LEON GORDON to work on the script of "The Road to Rome," and MARY MCCALL, JR., on "Bombay Nights," the latter to star JOAN CRAWFORD.

Warners reported a plan to co-star GEORGE BRENT and OLIVIA DE HAVILLAND in "Montana," large scale pioneer Western to be adapted from C. B. GLASSCOCK's "The War of the Copper Kings." It will be one of the Warner specials for next season.

M-G-M has purchased "Little Nelly Kelly," GEORGE M. COHAN's musical show, as a vehicle for JUDY GARLAND. ARTHUR FREED, song writer turned producer and one of whose film hits was "Babes in Arms," will produce the film, following MISS GARLAND and MICKEY ROONEY's finishing "Strike Up the Band."

Coast Flashes

HOLLYWOOD, April 1.—Herman Wobber, in charge of 20th Century-Fox distribution, arrived today to confer over 1940-41 product with Darryl F. Zanuck, Joseph M. Schenck and William Goetz. At the same time it was announced officially that Zanuck would not attend the sales convention, April 13 to 16, in Chicago. The reason assigned was that production duties would be especially heavy for him at that time. While here, Wobber will look over rough cuts of big pictures already completed.

Tyrone Power and Linda Darnell were set for leads today in 20th-Fox's "Brigham Young" in which Dean Jagger will play the title role.

Walsh, California Circuit Head, Dies

SAN FRANCISCO, April 1.—Morgan Walsh, 46, vice-president of Redwood Theatres, Inc., and owner of the T. & D. theatre, Oakland, died suddenly today of a heart attack. He is survived by his widow and two children.

In the theatre business since 1910, Walsh was with Fox as Los Angeles manager, then resigned to reenter exhibition in San Diego. After a later period in sales capacities, notably with Warners, he resigned to take over the T. & D. In 1932 he became vice-president of Redwood, operating about 30 houses in northern California and Oregon. He was formerly president of the Theatre Owners Association of Northern California.

Statement on Quota Is Due in Few Days

London, April 1.—The British Board of Trade statement outlining the Government's policy on film legislation is authoritatively expected on Thursday or Friday. Indications have been that the existing quota will be permitted to continue indefinitely, with new legislation unlikely to be introduced until the Fall session of Parliament.

New Disney Stock Is Oversubscribed

The new Walt Disney Productions stock issue has been oversubscribed, according to officials of the company. Public offering of the stock is being officially made today through a financing syndicate headed by Kidder, Peabody & Co. Yesterday, the S.E.C. formally approved the \$3,875,000 underwriting.

The issue consists of 155,000 shares of 6 per cent cumulative, convertible preferred stock of \$25 par value at \$25 per share. Of this stock, 5,000 shares are being offered to employees and officers of the company at par value. The remainder is for public subscription.

The new stock is convertible into common stock at the rate of one share of common if converted on or before April 1, 1944; 9-10 share thereafter until April 1, 1945; 8-10 share thereafter until April 1, 1946; 7-10 share thereafter until April 1, 1947; 6-10 share thereafter until April 1, 1948, and one-half share if converted later.

A fixed sinking fund of \$50,000 will be set aside on or before April 1, 1941, with \$100,000 on or before Oct. 1 and April 1. The company also will set aside out of the excess of consolidated profits over \$500,000 a sum equal to 20 per cent of such excess, but not exceeding \$200,000 additional in any one year. Both sinking funds are to be applied to the acquisition of preferred shares either by redemption or purchase.

A feature for the preferred stock is the provision for insuring the life of Walt Disney for ten years in the amount of \$1,500,000. In the event of his death on or before April 1, 1944, while any of the preferred stock is outstanding, the proceeds of the insurance would be put in trust for the benefit of the holders of the outstanding preferred stock. In the event of the death of Mr. Disney after April 1, 1944, the proceeds of the insurance policy would be retained by the company.

The preferred shares are subject to redemption at any time at prices ranging from \$27.50 a share through April 1, 1944, to \$25 a share after April 1, 1949.

On completion of this financing, the company will have additional to the preferred, 355,000 shares of common stock of \$5 par value. All of the outstanding common stock is owned by Walt E. Disney and members of his family.

Argentina Led S. A. Production in 1939

WASHINGTON, April 1.—Argentina led Latin America with 60 feature length productions made during 1939, according to Nathan D. Golden, chief of the motion picture division of the Bureau of Foreign and Domestic Commerce. All Latin American countries produced a total of 131 feature films.

Argentina added 10 films to her 1938 schedule of 50 while Mexico dropped from 60 in 1938 to 41 the past year. Cuba jumped to 12 from two in 1938 while Peru dropped from 11 in 1938 to seven in 1939. Brazil produced six in 1939 as compared with four in the previous year. Chile, which had no production in 1938, produced two in 1939, while Uruguay and Venezuela each produced one during 1939.

The foreign production situation has been considerably altered since the outbreak of the war, Golden pointed out. Total foreign motion picture production in 29 countries totaled 1,738 during 1939, an increase of 32 features over 1938. Production in the Far East rose from 967 for 1938 to 1,025 for 1939, while European production dropped from 609 in 1938 to 562 in 1939.

'Strike' Threatened By Ticket Agencies

(Continued from page 1)

attractions, for an average of about 112 per week.

The League and the brokers prepared for a fight on another front yesterday when Gerber wired Governor Lehman to request a public hearing on the Mitchell bill which was passed by the Legislature over the weekend. The bill places the licensing powers over ticket brokers in the hands of the city and limits advances to 75 cents per ticket.

Gerber declared he would fight the bill. Reilly, of course, is prepared to favor it. He said yesterday that, if it is signed by the Governor, it will aid enforcement of the code materially but that the code would remain in existence to prevent possible law violations and for other features, such as the elimination of the "buy" by brokers in advance of a play's opening in New York.

Recapitalization Plan Is Probable for K-A-O

RKO is paving the way for the possible future recapitalization of its principal theatre company, the Keith-Albee-Orpheum Corporation, by asking stockholders of the latter company to consider the approval of certain amendments to its certificate of incorporation, at the annual K-A-O stockholders' meeting April 10, permitting the K-A-O management to repurchase 3,000 shares of the company's preferred stock at \$100 per share.

Stockholders of the company are to be permitted to offer their shares at this price to the company. Officials state, however, that there is no present plan for such recapitalization.

K-A-O has \$3,203,502, cash. Its earnings in 1939 were \$976,627, equivalent to \$15.18 per share on 64,304 shares of the 7 per cent cumulative preferred stock outstanding.

Easter Holiday Business Huge All Over Nation

(Continued from page 1)
pore," "Virginia City," "Young Tom Edison," and "Grapes of Wrath."

All major circuits in United States and Canada received reports of unusual Easter holiday business after a "fair" Holy Week, which is traditionally weak from the business standpoint. Matinee trade during the holiday was above average with vacationing children filling theatres.

Easter this year arrived much earlier than usual, and the cold, clear weather in the upper parts of the country proved a helpful factor in aiding business.

Broadway movie and legitimate theatres reported grosses far in excess of their average weekly incomes. The Music Hall, elated over the sensational grossing power of "Rebecca," intends to hold the film for a minimum of three weeks. It drew \$72,500 in its first four days.

Neighborhood houses reported business much better than last year with both Loew's and RKO showing marked increases. The Loew's gross was aided by "Gone With the Wind" which played at the Valencia, Jamaica, and opened at 11 other houses in the city on Thursday. Matinee business was particularly good.

At the Roxy, "Primrose Path" with stage show went ahead of its first weekend and drew an estimated \$33,000 for the second weekend. It will be held for a third week. At the Strand, "Virginia City," with George Olsen's band on the stage, grossed an estimated \$25,000 for its second week, and "It All Came True" with Eddie Duchin's band on the stage will open there Friday.

"Road to Singapore," with Tommy Dorsey's band on the stage, is holding up well at the Paramount. It took an estimated \$15,000 on Saturday and Sunday and should finish its third week tonight with an estimated \$40,000. It will be held for a fourth week with "Dr. Cyclops" next.

"Gone With the Wind" at the Astor continued at capacity with an estimated \$22,000 for the 15th week.

"Black Friday" took an estimated \$10,000 in nine days at the Rialto. "Zanzibar" opened there on Saturday. At the Globe, "The Human Monster" drew an estimated \$7,600 and is held over.

At Loew's State, where a vaudeville show headed by George Jessel has been holding forth in support of "House Across the Bay," the gross on the latter film for its two-week stay at this theatre will reach an estimated \$60,000. During its first week, the picture grossed an exceptionally fine \$34,000.

Providence Shows Excellent Increase

PROVIDENCE, April 1.—Easter week this year showed a sizeable increase over last year. The total first run gross in the city last year for the week was \$39,800, compared with \$52,600 this year.

Leading pictures, and their grosses were: "Virginia City," \$6,400; "Rebecca," \$16,000; "Pinocchio," \$13,000; "Road to Singapore," \$9,000. Last year's films were "Little Princess,"

Win Game—and Hats

The five members of the Loew basketball team, by vanquishing the National Screen Service five by a score of 39 to 32 Saturday night, also won new hats as a result of a private wager between C. C. Moskowitz of Loew's and Herman Robbins, president of National Screen.

"Broadway Serenade," "Love Affair," "I'm from Missouri."

Cold Weather Hits Grosses in Pittsburgh

PITTSBURGH, April 1.—Easter week grosses were under 1939 totals, due to freezing weather. Downtown houses suffered more than the neighborhoods, presumably because patrons preferred to stick close to home during unseasonal weather.

Top draws were "It's a Date," pulling almost double normal business at the Alvin, with \$13,000, and "Virginia City" with a healthy \$16,500 at Loew's Penn.

Best in Years Is Reported in Toronto

TORONTO, April 1.—The best Easter week in years was reported by first run houses in Toronto, with business at a number of suburban theatres at peak level as well. With one exception, box-office returns at key theatres were in direct contrast with the somewhat meager take during the last two months and the first result was a holdover of programs at leading local houses. The exception in this trend was in the case of Toronto Loew's where "Gone With the Wind" terminated a record eight weeks at advanced prices on March 21 but "Northwest Passage" which followed under regular policy also proved so successful that it has been held for a second week.

"Pinocchio" created a sensation at the Toronto Uptown where crowds lined up for a whole block several times each day.

Total Slightly Off In Detroit Theatres

ST. LOUIS, April 1.—Business here during Easter week was generally a bit lower than it was for the same period last year—with the exception of the Loew's State. Playing "Rebecca," it grossed \$18,700 for the week, the best business since the first of the year and much higher than for the corresponding period of 1939, when "Broadway Serenade," with Jeanette MacDonald, was the feature attraction.

Lincoln Takes Ran Better Than Last Year

LINCOLN, Neb., April 1.—Easter week business here averaged a little better than in 1939 for the same period. The strongest showing was made at the subsequent runs. Top picture Easter week, 1939, was "Dodge City," which bettered this year's top, "Road to Singapore," by 10 per cent on the week. Second high was "Midnight" in 1939, which was bettered by 25 per cent with "Young Tom Edison."

Montreal Business Stronger Last Easter

MONTREAL, April 1.—Theatre grosses for Easter week were poorer than last year, only "Gone With the

Probe Facing F.C.C. Stand on Television

(Continued from page 1)

spent about \$10,000,000 in developing television.

"Unquestionably other interests have likewise spent tremendous sums and I, for one, do not believe that such development should be arbitrarily retarded by some bureau here in Washington," Senator Lundeen said.

FCC Chairman in Two Speeches Here Today

F.C.C. Chairman James L. Fly will undertake to explain the Commission's action on television in a special broadcast at 9 o'clock tonight. He will speak from WOR's studios and his talk will be carried by the Mutual and NBC-Red networks. Alfred J. McCosker, chairman of the board at Mutual, will introduce him.

Commissioner Fly will address the Advertising Club of New York at its luncheon this afternoon.

Rodner Back, Sets Rogers Drive Reel

Harold Rodner, Warner executive and vice-president of the Will Rogers Memorial Hospital at Saranac Lake, has returned from the Coast, where he arranged for the production of the one-reel film which will be shown in theatres during Will Rogers National Theatre Week, April 18 to 25.

About 3,000 prints of the subject will be distributed to theatres. All major studios participated in the production of the film, which will feature Kay Kyser, Bette Davis, Judy Garland, Bing Crosby and others.

"Wind," in its fifth week, playing to good houses. The reasons were poor weather in the city, grand skiing weather which attracted thousands to the Laurentian Mountains and the usual effect of Easter Week on this predominantly Roman Catholic city.

Easter was later last year, skiing was finished and there was no hockey to compete. Houses were generally better than this year.

Iowa-Nebraska Had Increase Over 1939

OMAHA, April 1.—Nebraska and western Iowa theatres reported Easter business generally above that of last year due largely to improved weather and good product.

Exhibitors in Nebraska and Iowa towns said extreme weather meant bad roads and therefore a decrease in business during the Lenten season. Pre-Easter week showed an upswing when the weather cleared. "Pinocchio" was held for a second week at the Brandeis here after being aided by the school vacation prior to Easter. "Road to Singapore" also was a hold-over at the Omaha.

Business Better This Year in Des Moines

DES MOINES, April 1.—Theatre operators here report the Easter week business here much better than at the same period last year, due to the stronger pictures shown during Easter week this year. "The Blue Bird," "Road to Singapore," "Virginia City" and "Pinocchio" were the chief pictures.

Radio Brevities

THE biggest quarter in the history of both CBS and NBC was recorded by the networks during the past three months, with CBS showing a gain of 28 per cent over the same quarter last year and NBC going up 7.4 per cent. The first quarter of 1939 had set the previous record for both webs. The month's billings were also the greatest for any March month.

NBC grossed \$12,841,636 for the quarter as compared with \$11,953,447 last year while CBS grossed \$10,419,743, as compared with \$8,141,283 last year. In March, NBC grossed \$4,304,344, a rise of 3.2 per cent over last year, with CBS grossing \$3,513,170, a 20.1 per cent rise.

NBC-Red grossed \$10,061,816 for the quarter, a rise of 6.1 per cent, and the Blue grossed \$2,779,820, a rise of 12.6 per cent. For March, the Red grossed \$3,338,440, a rise of 1.2 per cent, and the Blue took \$965,904, a rise of 10.7 per cent.

Program Notes

Arturo Toscanini will end his season with the NBC Symphony Orchestra with a benefit performance for the Greater New York Fund at Carnegie Hall on Monday, May 6 . . . "Prof. Quiz" will change the time of his program on April 30 when he shifts to Tuesdays at 9:30 P. M. . .

Waite Hoyt, former big league pitcher, will start a sports program today over WABC under the sponsorship of Brown & Williamson Tobacco. He will be heard Tuesdays, Thursdays and Saturdays at 6:15 P.M.

Personalities in the News

Louella O. Parsons, Hollywood columnist, will be guest on the Kate Smith hour over CBS together with Tyrone Power on Friday . . . Jack Slocum will assist Mel Allen in describing home games of the Yankees and Giants over WABC this summer.

Priscilla Lane will be guest of Rudy Vallee over NBC-Red on Thursday . . . Ginger Rogers and Fred MacMurray will be starred on the "Screen Guild Theatre" over CBS Sunday night

Ex-U. S. Agent Held In 20th-Fox Probe

LOS ANGELES, April 1.—Harry Kadis, former ace internal revenue agent, was arrested today on writ of attachment following his alleged refusal to appear before Federal Grand Jury in New York and testify on his activities in investigating the merger of 20th Century Productions and Fox Film Corp.

Kadis was released on \$500 bail and will appear Wednesday before U. S. Commissioner David Head here. His attorneys said Kadis would fight extradition because of his poor health and because of a technical defect in the writ of attachment which had been served on Kadis.

Kadis was recently discharged after serving the Department of Internal Revenue for 17 years.

It is reported that the Grand Jury investigation here is in connection with income tax matters involving individuals of 20th Century-Fox, resulting from the merger in 1935.



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NEW YORK, U. S. A., WEDNESDAY, APRIL 3, 1940

TEN CENTS

Theatres Hard Hit By Floods In Four States

Houses in Wilkes-Barre District Suffer Most

Scores of theatres in Central and Eastern Pennsylvania, upstate New York, Delaware and Western New Jersey have been hard hit by the floods which have raged since Sunday. Waters which receded slowly yesterday left a wake of heavy damage, with the threat of rain and warmer weather causing fears of a new crest.

Theatre operations were virtually suspended in the Wilkes-Barre area as the swollen Susquehanna River cut a 200-mile swath of destruction across Central Pennsylvania. Centers hardest hit are Wilkes-Barre, Kingston, Sunbury and Plymouth.

Twenty-five persons were known dead. Six were reported missing and 35,000 were homeless as the floods swept on.

All business in the Pennsylvania area was suspended. Theatres not flooded were turned into refugee shelters, with theatre staffs pressed into service. The National Guard was on duty in Sunbury, where most of the population struggled all of Monday night protecting property and caring for evacuees.

With telephone and telegraph wires
(Continued on page 5)

Chicago Prices Cut; See City-Wide 'War'

CHICAGO, April 2.—As Balaban & Katz and the Essaness circuits slashed prices in several of their West Side theatres, Chicago exhibitors today watched results. There is a probability that admission price reductions may become city-wide.

B. & K. and Essaness reduced West Side prices from 35 and 25 cents to 30 and 20.

Independents are contemplating similar ticket price revisions as the competition becomes keener.

'Wind' Distribution Abroad Starts Soon

HOLLYWOOD, April 2.—David O. Selznick, accompanied by his wife, left today aboard the Super Chief for New York to confer with Arthur Loew, vice-president of Metro, on plans for the foreign distribution of "Gone With the Wind" and "Rebecca."

Action Seen Today On U. A. Resignation

The M.P.P.D.A. board of directors is scheduled to act at its adjourned meeting today on the United Artists resignation from the association.

The resignation still stands as of today despite several meetings between Will H. Hays and Maurice Silverstone, United Artists chief executive, which have been held in the past 10 days.

Silverstone refused to comment yesterday on the possibility of a change in the company's stand developing at today's meeting.

Monogram Holders Buy \$100,000 Stock

Monogram franchise holders have agreed to acquire more than \$100,000 worth of the company's stock, in addition to their present holdings, said W. Ray Johnston, president, following a directors' meeting yesterday.

Johnston said that the company plans 50 pictures for next season, including 26 features and 24 Westerns. Eight Westerns to be made by George W. Weeks, formerly sales chief of Monogram, probably will be included in the program.

Franchise holders will hold their annual meeting in Dallas April 21 and 22, following the Variety Club
(Continued on page 2)

HOPES FOR TRUST SETTLEMENT FADE

Neely Bill Conceded Only Slim Chance of Vote At This Session

WASHINGTON, April 2.—Little chance now is seen for a final enactment of the Neely block booking bill this session unless the House Interstate and Foreign Commerce Committee cuts its proposed hearings short and submits a favorable report with little delay.

Opponents of the legislation are hopeful that a consent decree in the Government's anti-trust suit will be announced before hearings get under way, in which event, it is expected, suggestions will be made that action on the bill be suspended until it is found how the new setup works.

With Congressional leaders looking to adjournment of the session by June 1 and indicating the possibilities of an even earlier date, there seems little chance for the highly controversial motion picture bill to go through the routine which has been laid down for it.

So far the House committee has given no indication of the date on which hearings will open, but they are expected to start toward the end of the month after the railroad legislation is finally disposed of. In that
(Continued on page 6)

Majors Consider Terms Of Truce Too Severe; Decree in Disfavor

The possibility of the Government's anti-trust suit against the industry being settled out of court appears to be definitely less favorable from day to day.

Principal factors involved in the apparent trend away from a truce are the opposition of a majority of the major companies to the new selling methods proposed as a basis for the settlement and the disfavor in which a consent decree is held by influential financial

Sussman, Kupper Questioning Delayed

Pre-trial examination of William Kupper and William Sussman, Western and Eastern sales managers of 20th Century-Fox, in the Government anti-trust suit, slated for today, has been postponed indefinitely, it was announced yesterday. The delay was taken because John Caskey, attorney, is engaged in another trial.

Abe Montague, general sales manager of Columbia, and Adolph Zukor, chairman of the board of Paramount, will appear for questioning either tomorrow or Friday.

Fly Defends FCC Against Critics of Television Stand

F.C.C. Chairman James L. Fly lashed out at critics of the Commission's most recent television order over two national hookups, Mutual and NBC-Red, last night.

Claiming that the commission was under "a clear mandate" to regulate television equipment, Chairman Fly vigorously defended the F.C.C.'s action in halting the promotional campaign of R.C.A. and other television set manufacturers in their efforts to sell 25,000 video sets to the public.

He charged that sales activity at this time might prevent future scientific development of the new art but admitted that the F.C.C. has no regulatory power over receiving sets as it has over transmitting equipment.

"Let me make it clear that we neither have nor desire any regulatory power over the sale of receivers or over advertising," he declared. "But any action we take under our duty to

license experimental operations and to encourage advances in radio, must of course be taken in the light of actualities.

"Our course can be influenced, for example, by the rare case where a licensee might engage in extravagant promotion of sales to people of modest incomes while failing to inform the public of the limited and experimental character of the service now available, and of the mobility of the science, where it appears that such activities threaten to make his system dominant among both transmitting stations and the public.

"The result would be that his competitors—continuing their research—might find themselves with an improved system of broadcasting television which cannot be given to the public.

"By this sales activity alone the
(Continued on page 7)

and legal principals allied with the industry.

The proffered settlement terms are viewed in many executive quarters as calling for sacrifices and trade experimentation of a nature no more inviting
(Continued on page 6)

Zanuck, Wife Fight Taxes in Fox Case

WASHINGTON, April 2.—Redetermination of deficiencies totaling \$730,575 assessed by the Commissioner of Internal Revenue against their 1935 income returns was asked by the Board of Tax Appeals today by Darryl F. Zanuck and Virginia Zanuck, his wife.

The deficiencies, arising out of the Fox Film reorganization, were \$438,450 against Zanuck and \$292,125 against his wife, but they claimed that
(Continued on page 5)

Actors Unions Deny Split on Fair Talks

Persistent rumors of a possible split among actor unions in their negotiations with the New York World's Fair were put to rest yesterday by a joint meeting of Actors Equity, Screen Actors Guild and American Guild of Variety Artists with Fair officials. The plan is to have all unions adopt the same scale for performers, thus avoiding any possible conflict as there was last year.

No agreement has been reached with the Fair officials but the settlement with the San Francisco World's Fair is believed to have been a major factor in the resumption of negotiations.

The Music Corp. of America was granted an agency license yesterday. Several conditions were imposed but M.C.A. officials declared that they would comply. The council voted to urge Governor Lehman to sign the Mitchell bill which would limit ticket brokers' advances to 75 cents per ticket.

Charges for "conduct unbecoming an Equity member" were preferred against Stepin Fetchit by John Shubert yesterday. The council gave Fetchit three weeks to prepare a reply.

Lloyd Wins Suit

Federal Judge Goddard yesterday dismissed the plagiarism suit of William Jordan Rapp and Lowell Brentano against Harold Lloyd and the Harold Lloyd Corp. The decision, which was rendered after trial, ruled that the plaintiff's play, "Green to You," was not pirated in the film, "Professor Beware."

Purely Personal

E. C. GRAINGER, general manager of M. A. Shea circuit, has returned from Ft. Lauderdale, Fla.

JUDGE THOMAS D. THACHER, HERMAN FINKELSTEIN, LOUIS PHILLIPS, BARNEY BALABAN, SAM SHAIN, ADOLPH ZUKOR, A. H. BLANK, LEONARD GOLDENSON, WILLIAM F. RODGERS, JOHN HICKS, GEORGE WELTNER, AL RICHARD, NAT HOLT and COL. HARRY LONG among those at Nick's Hunting Room in the Astor for lunch yesterday.

GRACE MACDONALD, Broadway musical comedy star, has been signed by Paramount and will arrive on the Coast in a week for her first picture.

LARRY HART, ARTHUR LOEW, AUSTIN KEOUGH, DENNIS KING and OSCAR SERLIN among those at Sardi's for lunch yesterday.

A. J. HERMAN, Eastern district manager for Universal, is vacationing in Florida and will return in a week.

WALTER W. VINCENT of Wilmer & Vincent Theatres has returned from Florida.

MAX WEISFELDT, Columbia short subjects sales supervisor, returned yesterday from a Florida vacation.

MAURICE SILVERSTONE, JAMES MULVEY, AL CHRISTIE, SAM CITRON, ARTHUR GOTTLIEB, MARTIN MOSKOWITZ, LYNN FARNOL, HAL HORNE, HENRY

SPITZER and WILLIAM FITELSON among those lunching at Bob Goldstein's Tavern yesterday.

GUS LAMPE, Schine executive at Syracuse, was in town yesterday.

ERNEST SCHOEDSACK, Paramount director, arrives by plane today.

Cleveland Children Face Theatre Law

CLEVELAND, April 2.—Exhibitors here are concerned over an ordinance pending in the City Council which would limit the hours of attendance of children in film theatres. Sponsored by women's clubs, the bill is in committee and is given an even chance for passage.

The measure would prohibit the attendance of children under 16 years during school hours, permitting their attendance after school until 6 P. M. if accompanied by a parent or guardian. On Saturdays, Sundays and holidays, children under 12 would be admitted alone until 6 P. M., and thereafter if accompanied by an older person.

Exhibitors object to the bill because it would place on them the burden of policing their theatres and of guessing the ages of school children correctly.

In Detroit, where such an ordinance has been in effect for about three years, theatres have found it has not affected business but has caused much annoyance to managers.

Louis Frisch Feted By Industry Chiefs

A "welcome home" luncheon was given Louis Frisch, partner with Samuel Rinzler in the Randforce Amusement Corp., at Dinty Moore's restaurant yesterday. Attending were distribution executives, circuit heads and associates in the Randforce circuit.

Frisch returned early this week from Miami where he had been since December recovering his health.

More than 40 persons were present, including: Carl Leserman, T. Haines, Edward Schnitzer, Sam Lefkowitz, Arthur Sachson, Harry Deckert, Warners; Milt Kusell, Henry Randel, Paramount; William Sussman, Harry H. Buxbaum, Joe J. Lee, Morris Sanders, 20th Century-Fox; T. J. Connors, E. K. O'Shea, Jack Bowen, M-G-M; Leo Abrams, David Levy, Max Cohen, Universal; Nat Cohn, Irving Wormser, Columbia; A. W. Smith, Bob Wolff, Phil Hodes, RKO; George Skouras, William White, John Benas, Skouras Theatres; William P. Phillips, United Artists Theatre Circuit.

Also John J. O'Connor, Fred Meyers, Max Fellerman, RKO Theatres; Samuel Rinzler, Harold Rinzler, Emanuel Frisch; Marvin Schenck, Eugene Picker, Loew's; Moe Streimer, United Artists; Herman Gluckman, Republic; Joeshp Felder, Monogram; Gerald Schnitzer, Joe Hornstein, Milton C. Weisman; Irving Gold, Irving Kaplan, Jack Birnbaum and Irving Goldstein of Randforce.

Educational Trustee Fight in Court Today

Application to upset the appointment of James A. Davidson as trustee of Educational Pictures, Inc., will be heard today by Federal Judge Samuel Mandelbaum.

The petition for review of the nomination by Referee John E. Joyce is made by Harry G. Fromberg, trustee of Grand National Pictures, who also sought to be named trustee of Educational. Fromberg claims that the appointment is improper and alleges that Davidson will not perform his duties "impartially."

Sets 'Biscuit' Day

Gov. E. D. Rivers of Georgia officially has designated April 11 as "Biscuit Eater Day," in honor of the world premiere of the Paramount film at Albany, Ga.

Monogram Holders Buy \$100,000 Stock

(Continued from page 1)

convention which all Monogram officials and franchise owners plan to attend.

Johnston will return to the Coast in a few days to speed up production on the 11 features remaining on the present season's program.

Col. T. C. Davis was elected a director at the board meeting. He represents Standard Statistics Corp. At the meeting were O. Henry Briggs, J. A. Sisto, Thomas P. Loach, William B. Jaffe, Samuel Brody of Boston, John Mangham and Johnston.

Columbia Is Winner In Dispute on Title

The M.P.P.D.A. title registration committee yesterday ruled in favor of Columbia in a dispute with M-G-M over use of the title "Three Weeks Together." M-G-M has the title rights to the Elinor Glynn novel, "Three Weeks."

M-G-M gave notice that it would appeal to the M.P.P.D.A. board of directors today from the committee's ruling.

Columbia wants the title "Three Weeks Together" for a British production starring Vivien Leigh and Laurence Olivier which it is releasing this month. The picture formerly was known as "21 Days." The company's contention before the committee was that M-G-M's exclusive right to the "Three Weeks" title expired after 10 years.

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Eleanor!"

"Listen to the critics rave,
Fred!"



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—Herald Tribune

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"M-G-M's 'Broadway Melody of 1940', melodious, sensational; funny gags throughout. The kind of merry musical movie which can not miss."

—Post

"Astaire and Powell new dancing team in a happy musical. One of the pleasantest in a long, long time ... replete with good music by Cole Porter."

—Mirror

"Even M-G-M hasn't done a better musical unless it was 'Great Ziegfeld'."

—Brooklyn Eagle

"Gay, lively ... A treat of major proportions."

—Daily News

"Audience enthusiastic. Gay and sparkling entertainment."

—World-Telegram

"It's good to welcome Fred Astaire, Eleanor Powell and George Murphy back to the screen. Big musical numbers, with laughs and expert dancing."

—Sun

"Superior ... Mr. Astaire's rhythmic arabesques even more fascinatingly intricate than ever before! Miss Powell blends in beautifully."

—Times

"Handsome, racy and tuneful ... the routines leave you gasping with their brilliance. Effervescent screen entertainment."

—Journal-American

**HELD
OVER!
2nd
WEEK!**

"Listen to the cash register
jingle, Mr. Exhibitor!"

FRED ASTAIRE • ELEANOR POWELL in "BROADWAY MELODY of 1940"

GEORGE MURPHY • FRANK MORGAN • IAN HUNTER
FLORENCE RICE • LYNNE CARVER • Screen Play by Leon
Gordon and George Oppenheimer • Lyrics and music by Cole Porter
Directed by NORMAN TAUROG • Produced by JACK CUMMINGS
Capitol, B'way & 51st St. Major Edward Bowes, Mng. Dir. Doors open 10 A.M.



Plenty of newspaper space brings results at the Capitol!

27 New Films Now in Work In Hollywood

HOLLYWOOD, April 2.—Twenty-seven pictures, four less than last week's total, were before the cameras this week, as nine finished and five started. Twenty-eight are being prepared and 62 are being edited.

The tally by studios:

Columbia

Finished—"Untitled western."

In Work—"The Lone Wolf Meets a Lady."

Started—"Babies for Sale."

M-G-M

Finished—"Waterloo Bridge."

In Work—"Pride and Prejudice," "The Mortal Storm," "Susan and God," "Boom Town."

Monogram

Finished—"Cowboy from Sundown."

Started—"Land of the Six Guns."

Paramount

Finished—"The Ghost Breakers."

In Work—"Untitled Henry Aldrich picture," "North West Mounted Police," "I Want a Divorce."

RKO

In Work—"Tom Brown's School Days," "Anne of Windy Poplars," "The Villain Still Pursued Her."

Republic

Finished—"Women in War."

In Work—"The Crooked Road," "Gaucho Serenade."

Started—"Gangs of Chicago," "Doctors Don't Tell."

Small

In Work—"South of Pago Pago."

20th Century-Fox

Finished—"Maryland," "Million Dollar Diamond."

In Work—"The Young People."

Started—"Rain or Shine."

Universal

Finished—"Ski Patrol."

In Work—"If I Had My Way."

Wanger

In Work—"Personal History."

Warners

In Work—"The Sea Hawk," "All This and Heaven, Too," "Torrid Zone," "Brother Orchid," "The Life of Knute Rockne."

Sell Warner Award Subject Separately

HOLLYWOOD, April 2.—Warners short subject on the Academy Awards will be released in a length of 4,500 feet and will be sold separately.

Titled "Cavalcade of Academy Awards," the subject will include scenes from 12 annual award winning pictures. Also to be shown will be each of the actors, actresses and directors who won awards during the 12-year period.

Richey Speaking Today

H. M. Richey, director of exhibitor relations for RKO, is in Philadelphia today to address the Civic Club, a leading woman's organization. He will talk on film relations generally, with emphasis on the Neely bill.

Producers to Stop Politics, Job Sales in Casting Bureau

HOLLYWOOD, April 2.—Decision to reorganize Central Casting Corp. was made today by the Association of M. P. Producers. A committee will shortly be appointed with full authority to make changes in the system of hiring atmosphere players.

Such a move has been under way for some time, with the Screen Actors' Guild going to the extent of employing private detectives to check on reports of job buying favoritism and other alleged irregularities. The Producers' Association had been given a copy of the detectives' report.

The Screen Actors' Guild disclosed

that it is continuing investigation of reports that film extras have been terrorized and beaten by hoodlums who have sought to inject racketeering methods into the placing of extras. The Guild will ask the cooperation of law enforcement officers.

The Guild recently completed a five-month inquiry into charges that there have been "improper influences" in the distribution of extra work through Central Casting, with a copy of the report submitted to the Producers' Association. The Guild said its investigations concerned only one per cent of its 8,000 membership.

Promotions Granted To Loew Managers

Charles Kurtzman and Charles Raymond, veteran Loew managers, yesterday were promoted as district managers by Joseph R. Vogel, circuit executive.

Kurtzman, for the past year manager of Loew's Penn, Pittsburgh, was appointed district manager with headquarters in Boston, succeeding H. M. Addison, recently resigned. This district includes Boston, Providence, Syracuse, Rochester, Toronto and London, Ont.

Raymond will take over the Cleveland district, succeeding Harry Long, who is on an extended leave of absence because of ill health. His district includes Cleveland, Toledo, Akron and Canton.

Raymond arrived recently from from London where he managed M-G-M theatres and before that was manager of the Metro, Johannesburg, and Loew theatres in this country.

Roth Is Discussing Circuit Deals Here

Sam F. Roth, president of Roth Enterprises of Virginia, is in New York discussing a deal which may lead to expansion of the circuit. He is accompanied by a brother, Charles S. Roth, and William W. Michalove, executives of the circuit.

Roth Enterprises now operates 30 theatres in Virginia. Roth said that theatre business in that state is maintaining an even balance, with no material variation from last year. His headquarters are in Harrisonburg, Va.

Pennsylvania Group To Hear Neely Talks

CHESTER, Pa., April 2.—A discussion of the Neely bill will be a feature of Motion Picture Day, sponsored by the clubwomen of Delaware County, on April 4. Harry Goldberg will represent the distributors in the discussion in the afternoon at the Chester Century Club, and Sidney E. Samuelson will represent Allied States Association.

In the morning, at the Boyd Theatre, Carl E. Milliken, executive secretary of the M. P. P. D. A. will address the meeting, sponsored by the motion picture division of the Delaware County Federation of Women's Clubs. At a luncheon session, Mrs. Edna R. Carroll, chairman of the Pennsylvania State Board of Motion Picture Censors, will speak on her work.

Film Writers Dispute Labor Board Report

HOLLYWOOD, April 2.—Screen Writers' Guild directors at an open meeting last night disclosed that it had filed an exception to an intermediate report of James FitzPatrick, N.L.R.B. trial examiner, who reported that he had no evidence to substantiate charges that the producers have failed to bargain in good faith with the Guild.

Exception was made to this point alone. The Guild stand is that the producers failed to bargain with the S.W.G. as the exclusive agency for writers, as certified by the Board, because of the contract with the Screen Playwrights, a rival group. The Playwrights' pact was terminated several months ago, but FitzPatrick's report dealt with events from 1935 to the early part of 1939.

Nick, Weston Lose High Court Appeal

ST. LOUIS, April 2.—The Missouri Supreme Court today rejected a petition of John P. Nick, ousted czar of the Motion Picture Operators' Union, Local 143, and Clyde A. Weston, former business agent, for a review of their ouster.

Nick and Weston sought redress in the Supreme Court after the St. Louis Court of Appeals last February 6 affirmed the order of Circuit Judge Oakley placing the union in temporary receivership and removing it from control of the two officers.

Following the Appellate Court decision against Nick and Weston, Judge Oakley made the injunction permanent and barred the two defendants from interfering with the union's affairs.

Legion Approves Nine New Pictures

Nine of 12 new films were approved this week by the National Legion of Decency, five for general patronage and four for adults. Three were found objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "Buck Benny Rides Again," "Blazing Six Shooters," "Courageous Dr. Christian," "Rancho Grande," "Stage Coach War." Class A-2, Unobjectionable for Adults: "Black Friday," "Florian," "Over the Moon," "Rebecca." Class B, Objectionable in Part: "Bill of Divorcement," "The Human Monster," "Primrose Path."

'Rebecca' Hits Strong Seattle Pace, \$10,400

SEATTLE, April 2.—Despite rainy weather, grosses here took a sharp upturn. "Rebecca" at the Liberty drew a good \$10,400, while "Strange Cargo" and "Free, Blonde and 21," at the Fifth Avenue, accounted for \$1,000.

Estimated grosses for the week ending March 29:

"Grapes of Wrath" (20th-Fox)

BLUE MOUSE—(950) (25c-40c-55c) 7 days,

3rd week. Gross: \$3,400. (Average, \$4,000)

"Strange Cargo" (M-G-M)

"Free, Blonde and 21" (20th-Fox)

FIFTH AVENUE—(2,500) (25c-40c-55c) 7

days. Gross: \$9,500. (Average, \$7,000)

"Rebecca" (U. A.)

LIBERTY—(1,800) (25c-40c-55c) 7 days.

Gross: \$10,400. (Average, \$5,000)

"Bluebird" (20th-Fox)

MUSIC BOX—(950) (25c-40c-55c) 7 days.

Gross: \$5,000. (Average, \$4,000)

"Road to Singapore" (Para.)

"Oh Johnny, How You Can Love" (Univ.)

ORPHEUM—(2,450) (25c-40c) 7 days.

Gross: \$7,400. (Average, \$6,000)

"Virginia City" (W. B.)

PALOMAR—(1,500) (20c-25c-40c) 7 days.

Gross: \$7,800. (Average, \$5,000)

"Young Tom Edison" (M-G-M)

"Charlie Chan in Panama" (20th-Fox)

PARAMOUNT—(3,050) (25c-40c) 7 days,

2nd week. Gross: \$5,800. (Average, \$6,000)

Canadian Circuit Using Thrift Books

TORONTO, April 2.—Famous Players Canadian Corp. has organized the sale of Thrift Book Tickets throughout the circuit at various prices, the effect being a slightly reduction in admissions with 11 tickets for the price of 10. This plan was to have been adopted last September, but was postponed because of the war and delayed further because of the announced move on the part of the Ontario Government to restore the amusement tax, which step was later abandoned. The Canadian circuit sold thrift books about eight years ago, but the idea has been revived after being in the discard for some time.

Reappoint Officers Of Canadian Body

TORONTO, April 2.—Officers and directors of the Motion Picture Distributors of Canada were reappointed at the annual meeting of the organization in Toronto with Col. John A. Cooper, president, in the chair. Business was of a routine nature with several items being left over for consideration at a meeting to be held April 8.

Grierson Due Shortly

TORONTO, April 2.—John Grierson, Film Commissioner of the Canadian Government, now in Australia, is expected back in the Dominion late this month, his three months leave of absence expiring at that time. Grierson went to Australia in a move to place the making of official films in that country on an organized basis, similar to that in Canada and the United Kingdom.

Joe Louis in Picture

Joe Louis, heavyweight boxing champion, will play an important role in Sherman S. Krellberg's 15-episode serial, "The Sign of the Zombies." A feature version of the serial also will be made, with production scheduled to start in May.

Theatres Hard Hit By Floods In Four States

(Continued from page 1)

down, Philadelphia film exchanges were unable to determine the extent of damage to theatres. Film deliveries out of Philadelphia were at a standstill yesterday with loaded trucks finding it impossible to get through the flooded area.

About 30 theatres were reported closed in Central Pennsylvania. Where staffs had enough time, they removed seats, carpets and other furnishings, but this did not prevent power plants in the basements from inundation.

Comerford's Rialto at Sunbury emptied its house just before the flood struck. Also closed are that circuit's Shawnee in Plymouth and the Kingston at Kingston. The Penn and Comerford at Wilkes-Barre suffered water damage in the basements but kept operating. Charles A. Ryan, Comerford's construction chief, is in the area checking on damage.

Towns near Wilkes-Barre were under water, with four theatres in Muncy, Shickshinny and Swoyersville closed. Film deliveries to Scranton, Sayre and Williamsport were also held up.

The downtown theatre district in Pittsburgh escaped with only flooded basements. The Shea theatre in McKees Rocks, Pa., reported its basement flooded.

The flood also struck around Trenton, N. J. A theatre at Easton, Del., was heavily damaged.

Harrisburg and vicinity up to last night had escaped the flood. Four years ago the waters rose 10 feet higher, isolating the city and causing disaster.

New York's flood threat subsided yesterday as water levels dropped. But it still existed around Binghamton in the event of heavy rain. The area surrounding Syracuse was heavily flooded.

Modify British Film House Safety Rules

LONDON, March 20 (By Mail).—British Home Office regulations in regard to the safety of patrons at film houses and of theatre staffs, have been modified following conferences between the Cinematograph Exhibitors Association and the authorities.

One of the most drastic stipulations in the original orders was that shelters be provided for audiences. Under the modifications, only theatre staffs need be provided for.

Members of Parliament have questioned the Home Secretary, Sir John Anderson, as to whether he would take arbitrary powers and insist that local authorities accede to military requests to have film houses open on Sundays, however.

A dividend of 15 per cent on the common shares was paid by Provincial Cinematograph Theatres—one of the Gaumont groups—for the year ended Jan. 31. Last year 22½ per cent was paid.

New York Review

"It All Came True"

(Warners)

Here is real entertainment, with a handful of excellent cast names, a lively story and a well told, swiftly-paced story adaptable anywhere as a good all-audience item of effective screen fare.

Most of the interest, of course, is apt to center about Ann Sheridan, much-publicized and attractive. For the exhibitor's information may it be said that she turns in a first-rate job in a style reminiscent of the late Jean Harlow. She performs capably, is highly attractive, and demonstrates an effective singing voice.

The screenplay by Casey Robinson from a story by Louis Bromfield centers about an old New York boarding house, run by two elderly women in the same fashion that it appeared in the '90's. One has a daughter, Miss Sheridan, unsuccessfully seeking a name on the stage; the other a son, Jeffrey Lynn, not heard from for five years, and the subject of his mother's dreams. Actually, seeking aid in selling his music, he becomes the underling of Humphrey Bogart, cabaret owner and racketeer.

When a squealer leads police to his place, the two escape, and Bogart kills the informer. He insists that they hide out in the boarding house. Lynn and Miss Sheridan refuse to accept their attachment for one another, while Bogart, bored, turns the place into a Gay Nineties night club. On the night of the opening, the police find Bogart, and he, swayed by the gratitude of the two old women for his help, refrains from implicating Lynn, and the latter and Miss Sheridan find each other.

Much is contributed to the entertainment of the film by the characterizations of the boarding house "regulars." They are Zasu Pitts, as a spinster; Grant Mitchell, as a poet, and Felix Bressart, as a broken-down vaudeville magician.

Lewis Seiler directed, with Jack L. Warner in charge of production and Hal B. Wallis as executive producer. David Lewis was associate producer.

Running time, 97 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

Zanuck, Wife Fight Taxes in Fox Case

(Continued from page 1)

they had overpaid their taxes and that the Commissioner had erred in considering the acquisition of Twentieth Century-Fox stock as income when, in fact, it was stock issued to replace those of the Fox Film Corp. which they held prior to the reorganization.

An overassessment of \$22,989 was today credited to the Charles Chaplin Film Corp. on its 1937 return by the Bureau of Internal Revenue, where it was explained that it resulted from the allowance of an additional deduction for depreciation over and above a deduction taken in the return which investigation determined was inadequate and less than the reasonable allowance authorized by law.

Producers to Fete Pacific Coast I. T. O.

HOLLYWOOD, April 2.—Producers will be hosts to members of the Pacific Coast Conference of the I.T.O. during its convention here, May 8-10, at a dinner which will be served at the Warner studios. Part of the session will be devoted to a discussion of union labor matters.

The producers last night voted to donate 10 free beds in the Cedars of Lebanon Hospital to be administered by the Motion Picture Relief Fund as part of the Will Rogers Memorial Plan.

Tips on Exploitation

"Tree of Liberty" Stars On Big Radio Shows

Members of Columbia's "Tree of Liberty" cast will be featured on coast-to-coast radio programs with the start of shooting on the picture at Williamsburg, Va., next week.

On Monday, April 8, Cary Grant, Frank Lloyd, Sir Cedric Hardwicke and Richard Carlson will appear on the "True or False" program over the NBC Blue. The following night they will appear on the "We the People" program over CBS. Both broadcasts will originate in Williamsburg.

Frank McGrann, Columbia exploitation director, and Frank P. Rosenberg of the exploitation department went to Williamsburg over the weekend to arrange broadcast details.

Old Prairie Schooner Boosts 'Virginia City'

SALT LAKE CITY, April 2.—In a street ballyhoo for Warners' "Virginia City," Charles Pincus, manager of the Center, utilized an old prairie schooner which was used in the 1850's between Salt Lake and Omaha. Appropriately bannered, the coach was paraded through the streets.

Local "Dwarfs" Plug 'Gulliver's Travels'

ST. JOHN, N. B., April 2. — Two local dwarfs, wearing costumes like those in "Gulliver's Travels," were used for that picture at the Mayfair. The midgets bore advertising cards on front and back.

CLOSE-UP OF
THE DOCTOR
EXAMINING WHAT
HE ORDERED!



LORETTA YOUNG ★ RAY MILLAND

The Doctor Takes a Wife

Screen play by George Seaton and Ken Englund
Directed by ALEXANDER HALL • Produced by William Perlberg
A COLUMBIA PICTURE

Hopes Fading In Trust Suit Peace Talks

(Continued from page 1)

than those which might be expected if the Government was victorious in a trial of the suit.

While the proposed settlement would eliminate the dual problem of Government prosecution and possible enactment of the Neely bill, a growing industry viewpoint holds that the proposals offered might replace those two with four or five new problems of equal seriousness.

Foremost among these, it is suggested, would be the new selling methods which are proposed. It is felt that the system suggested would be complicated, costly and, for some companies, unworkable in practice.

In addition, industry interests are definitely cool to a consent decree, if the proposed settlement should take this form instead of that of legislation, as has been suggested.

The greatest antipathy to a consent decree stems from the permanency of its nature. Downtown interests are of the belief that it would be unwise for the industry to place its operating future under the restrictions of a decree, which, with the further development of the industry, might be intolerable within a few years.

Companies sharing these opinions to a greater or less degree are Columbia, Paramount, 20th Century-Fox, United Artists and Universal.

All companies, however, are pursuing their preparations for trial of the suit exactly as they would if no settlement proposal had ever been broached. Pre-trial victories have been heartening to the defense and there is no apparent inclination on the part of the companies to ask for a postponement of the trial beyond May 1.

Such a postponement appears inevitable because of the time element, but if there is one it will be at the Government's request, defense attorneys say.

Neely Bill's Chances Slim This Session

(Continued from page 1)

event, if predictions that three weeks is the minimum in which all interests can present their case prove true, it will be May 15 before the committee can get down to the job of considering the testimony, reaching a decision and writing a report.

The bill is in no sense an Administration measure and, therefore, is not likely to be given any impetus by House leaders. On the contrary, in the event there is "must" legislation in any way of adjournment, the Neely measure will be pushed aside.

Sherman's Mother Dies

Al Sherman, editor of the *Mirror*, Columbia house organ, is mourning the death of his mother, Mrs. Bertha Sherman, who died last Saturday after a brief illness. Two daughters, Shirley Samel and Betty Bramley, and a second son, Norman, also survive.

New York Review

"Dr. Kildare's Strange Case"

(M-G-M)

Another in the entertaining "Dr. Kildare" series, this feature is no less entertaining than its predecessors. Once again, Lew Ayres, as the young and clever Dr. Kildare, and Lionel Barrymore, as his crochety and brilliant mentor, offer material for the marquee, and excellent performances.

They are a team which through their now considerable association, have developed an ease and familiarity with one another which makes their appearances together particularly effective. Laraine Day plays the young nurse with whom Ayres is in love, and Shepperd Strudwick the young surgeon whose career is saved by the resourcefulness and courage of Ayres.

Harold S. Bucquet directed from a screenplay by Harry Ruskin and Willis Goldbeck, based on an original story by Max Brand and Goldbeck. The story and direction have been contrived to afford considerable suspense and not a little dramatic action within the confines of the big city hospital.

In this instance, Ayres delights Barrymore's heart and saddens Miss Day by refusing a handsome research offer in order to continue his diagnostic work with Barrymore. Incidentally, Ayres overrides hospital discipline, takes a desperate chance with insulin-shock on an insane man, in order to restore his sanity and save the career of Strudwick, who had operated on him. It is good entertainment.

Running time, 75 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

Patrons Must Carry Gas Masks to Show

London, March 20 (By Mail)—Many British film houses still insist that patrons carry their gas masks, and refuse admission if none is carried.

In Salford, Lancashire, the chairman of the local Watch Committee was refused entrance to a picture house because he had no gas mask. The council debated the incident but the victim had no redress.

French Official Sees Propaganda Films

LONDON, April 2.—The British Ministry of Information today screened propaganda films in honor of the Minister of Information Frossard of France, visiting here.

A socialite, brass-hat and diplomatic audience packed the Odeon Theatre. They saw French dialogue films, made here for French consumption, and the English film, "Squadron 992," a documentary film on the balloon barrage distributed here and in the United States by Columbia. Another film shown was British Paramount's "Anneau Dacier," with a French commentary, reporting the use of British seapower in the defense of Britain and the blockade of Germany.

Stage Show in St. Louis

St. Louis, April 2.—The first stage show in St. Louis since shortly before Christmas is scheduled for the St. Louis theatre the week of April 12, with Ted Lewis and his troupe as the headliners. The 4,000-seat house has been used principally in the last three years by Fanchon & Marco as a Class B film house. Prices, now 25 and 35 cents, will be raised for the Lewis show, which will be accompanied by a film.

SLRB Sets April 5 For Jewel Hearing

New York State Labor Relations Board has set April 5 for a hearing on the petition of the Motion Picture Division of the Theatrical Managers, Agents and Treasurers Union against the Jewel theatre, Brooklyn, for recognition as collective bargaining agency for the manager and assistant at the house.

The petition alleges that the "employer has resisted and refused repeated demands for recognition of the petitioner." The S.L.R.B. calls cases for formal hearings after informal negotiations have failed.

Picture Supplement In Argentine Paper

Distributors' foreign departments have received copies of a special 18-page motion picture supplement in rotogravure issued Feb. 25 by *La Nacion*, Buenos Aires newspaper.

The supplement signalized the start of the film season in South America and included a presentation of all American companies' programs for the year, as well as those from Italy, France and Argentine studios. In addition to special articles, including several from Hollywood, there are reproductions of about 150 motion picture stills, with American films predominating.

British Technicians Seek Higher Wages

LONDON, April 2.—The Association of Cine-Technicians at its annual meeting on April 14 will discuss an appeal for the nationalization of the industry and prepare plans in an effort to obtain further wage increases for all film technicians.

The organization also will consider the procedure to be followed in seeking to bring about drastic restrictions on the employment of foreign technicians.

Frisco Booms As 'Pinocchio' Hits \$23,000

SAN FRANCISCO, April 2. — Good weather, good attractions, with schools closed for Easter Week, boomed business to a new high for the year here. "Pinocchio" soared to \$23,000 at the Golden Gate Virginia City, paired with "Free Blande and Twenty-one" drew \$19,500 at the Fox, and "Rebecca" opened at United Artists for \$14,500.

Estimated takings for the week ending March 26-29:

"Pinocchio" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage; Vaudeville. Gross: \$23,000 (Average, \$15,000)
"Too Many Husbands" (Col.)
"Blonde on a Budget" (Col.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$12,500. (Average, \$8,000)
"Virginia City" (W. B.)
"Free Blande and 21" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$19,500. (Average, \$16,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$12,500. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: \$14,500. (Average, \$8,000)
"Young Tom Edison" (M-G-M)
"Ghost Comes Home" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days. 2nd week. Gross: \$5,600. (Average, \$6,000)
"Gone With the Wind" (M-G-M)
WARFIELD—(2,680) (75c-1.10) 7 days 9th week. Gross: \$24,500. (Average, \$12,000)
"Mill on the Floss" (Standard)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$800. (Average, \$1,000)
"Symphony of Love" (Foreign)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$700. (Average, \$1,000)

'Singapore' Clears \$7,800 in Milwaukee

MILWAUKEE, April 2. — The second snow storm in as many weeks held down grosses with "Road to Singapore" and "Sidewalks of London," collecting \$7,800 at Fox's Palace for high honors. "Virginia City" and "Calling Philo Vance" grossed \$7,500 at the Warner, while "Young Tom Edison" and "Charlie Chan in the City of Darkness" drew \$8,200 at Fox's Wisconsin.

Estimated takings for the week ending March 28:

"Road to Singapore" (Para.)
"Sidewalks of London" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$7,800. (Average, \$4,000)
"Honey Moon Deferred" (Univ.)
RIVERSIDE—(2,700) (25c-30c-35c) 7 days. Stage: Edgar Kennedy. Gross: \$7,600. (Average, \$6,500)
"Grapes of Wrath" (20th-Fox)
"His Girl Friday" (Col.)
STRAND—(1,400) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,400. (Average, \$1,500)
"Virginia City" (W. B.)
"Calling Philo Vance" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$4,500)
"Young Tom Edison" (M-G-M)
"Charlie Chan in City of Darkness" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$8,200. (Average, \$5,500)

Ontario Passes 'Cargo'

TORONTO, April 2.—According to Regal Films, Ltd., Toronto, "Stranger Cargo" has been approved by the Ontario Board of Censors. This is one of two features which have been banned by the police authorities at Detroit. "Primrose Path," also banned in Detroit, has been passed by the censor board in Quebec, but it has not yet been sent to the Ontario censors.

Radio Brevities

AMBULANCE chasing lawyers are an old story, but the F.C.C. has uncovered a new racket—private ambulances and garage repair trucks are now out chasing accidents by radio.

By intercepting shortwave police calls, these businesses are doing a thriving business by getting to the scene as soon as the police do. The F.C.C. has issued a warning that interception of private messages is punishable by two years' imprisonment and a \$10,000 fine.

The Commission also points out that interstate as well as interstate messages are now protected, under a decision which the Supreme Court rendered last December.

Personalities in the News

William Friedberg has been named in and dramatic critic for *WMCA*. He is heard at 12:15 A. M. Mondays through Saturdays. . . . **Ann Sheridan** and **Humphrey Bogart** will be guests on "Tune-up Time" over *CBS* Monday at 8 P. M. . . .

Isabel Manning Hewson, now heard over *WEAF* in "Morning Market Basket," is auditioning for a network program. . . . **Fibber McGee & Molly** will be guests on the "Lux Radio Theatre" on Monday at 9 P. M. over *BS*. . . . **John M. Sayre**, formerly with *WINS*, has joined the *WNEW* staff. . . .

Douglas Fairbanks, Jr., will be heard on the "Silver Theatre" over *BS* on Sunday at 6 P. M. . . . **Alfred Wollenstein** will lead his "Sinfonietta" orchestra in the original score for the film "Harvest" over *WOR* on Friday at 8:30 P. M. . . . **Edna Durbin** will be guest of *Edgar Bergen* over *NBC-Red* on Sunday at 7 P. M. . . .

Bonnie Baker and **Orrin Tucker**, who come to New York Friday for the first time since establishing "Johnny" as a nationwide song hit, will be tendered a luncheon by *Columbia Recording Co.* and *CBS* at the *Barberry Room* on Friday. . . . **Johannes Steel**, *WMCA* foreign news analyst, has signed as foreign news commentator for *Radio News Reel*.

160,000 at WOR Broadcasts

During 1939, 106,620 persons attended broadcasts at *WOR* studios, according to the station's guest relations department. The peak month was November and the most popular show was "Laff 'n' Swing Club."

Program News

"Take It or Leave It" is the new Bob Hawk quiz show which starts over 27 *CBS* stations on Sunday, April 21, at 10 P. M. Members of the studio audience get one dollar for answering the first question correctly, and then have the option of answering another. If the answer is correct, the answerer gets double, if wrong, he loses his accumulated winnings. He can continue until he wins \$64 or misses a question and he can quit at any time. The sponsor is *Eversharp Pencils*.

Hawk will have to conduct two quiz shows for two weeks because of the revelation tobacco, which was to have

Pungent Quotes by Fly

Speaking at a radio industry salute to the 35th anniversary of the New York Advertising Club, Chairman James L. Fly of the Federal Communications Commission, addressed some pungent remarks to the assembled members of the broadcasting hierarchy.

Ribbing the advertisers, broadcasters and the Commission, he said: "Radio is contributing to the national defense by teaching the youth of the nation all about machine guns and small arms."

"The difference between the British and American system of broadcasting is this: In England, the listener must pay for the privilege of listening. In America, the listener stays home and wins a jackpot."

"The function of a Government agency is twofold. First, it makes it possible for broadcasters to get on the air, and, secondly, it makes continuous threats to take them off."

"The television receiving set fits the transmitter like a key fits a lock; if you change the lock where does that leave the key?"

"In baseball, if you can't see them, you can't catch them—in television, if you can't catch the signal, you can't see it."

"The difference between television and other major scientific developments is this: The 1905 jalopy, the magic lantern and the crystal sets can still work, but in television, a major change will make the sets a piece of furniture of doubtful value."

"If the Commission permits television to be anchored down to present standards and the public buys those sets, no Commission and no national administration will ever have the guts to change them."

Positions Reversed

Grand Island, Neb., April 2.—**Joseph Scott**, 20th Century-Fox exchange manager in Omaha, is bewildered. He came to Grand Island to call on **William Youngclaus** of the Island, a second run account. But **Bill** outsold the salesman and **Scott** drove back to Omaha owning **Bill's** second-hand car.

cancelled his "Name Three" program over *Mutual* on April 13, has decided to continue it through April 27.

Johnny Green will start a new type of quiz show on "Breezing Along" over *NBC-Blue* tonight, with the audience supplying the fourth line to a jingle. His show moves over to *CBS* on May 5 and will be heard on 27 stations on Sundays at 8:30 P. M. This will leave **Philip Morris** cigarettes with two shows on *CBS* and one on *NBC-Red*.

New York Drama Critics Circle will broadcast their awards over *NBC-Blue* on Sunday, May 12, at 8:30 P. M. **Burns Mantle**, president, and **George Jean Nathan** will speak. There will be dramatizations from the prize-winning play.

Congressman Emanuel Celler of Brooklyn will start a series of monthly Washington commentaries over *WMCA* tomorrow at 10:15 P. M. The program will be called "A Congressman Reports."

CBS Trade News Reorganized

The trade news department at *CBS* has been reorganized and will emphasize special articles and services for clients in the future instead of confining itself to general news releases. The department will remain under the supervision of **Victor M. Ratner**, vice-president in charge of sales promotion, rather than the publicity department.

Robert S. Gerdy will assist **Herbert B. Swope, Jr.**, in handling news and releases for radio and advertising trade journals.

Ohio Radio Institute To Hear NBC Chiefs

COLUMBUS, O., April 2.—An extensive program including speeches by F.C.C. Chairman **James L. Fly**, **Lyman Bryson** and his *CBS* "People's Platform," **George V. Denny, Jr.**, of "Town Meeting of the Air," and **Ed Kirby**, director of public relations for the National Association of Broadcasters, has been arranged for the 11th Institute for Education by Radio at Ohio State University on April 29 to May 1.

Chairman **Fly** will speak at the annual dinner on April 30 and he will be introduced by **Judith Waller**, *NBC* western educational director.

Others who will lead discussion groups include **Frank E. Mason**, *NBC* vice-president; **A. A. Schecter**, *NBC* director of news and special events; **Guy Hickock**, *NBC* manager of international division on developments in short wave, and **Kirby**.

Billings by Mutual Biggest in History

Following the other networks, *Mutual* released its billings yesterday showing its gross to be the greatest quarter in the web's history. The three-month gross was \$1,046,191, a rise of 16.8 per cent over \$898,659 for the same period last year and more than a third more than the \$756,021 in 1938. March billings were \$390,813, a rise of 27.3 per cent over \$306,976 in March, 1938.

Named Crosley Directors

CINCINNATI, April 2.—**James O. Shouse**, for the past three years vice-president and general manager of *Crosley Corp.* broadcasting division, and **Raymond C. Cosgrove**, recently named to similar posts in the manufacturing division, were elected to the board of directors after stockholders voted to increase membership from seven to nine. All other directors and previous officers were reelected.

Fly in Defense Of FCC Stand On Television

(Continued from page 1)

standards of the science might be locked against their improvements. Under such circumstances it is rather more likely that the competitors, too, would be crowded into production and sales promotion. This would make it even more probable that television would be shackled at its present state and future progress obstructed."

He said that improvements were "just over the horizon" and that sets would become obsolete if transmission standards were changed. He praised those who are experimenting with television and declared that "they are performing a distinct public service." He distinguished between improvements made in automobiles and similar inventions on the ground that these improvements do not render the old machine completely useless, while improvements in television would destroy the value of receiving sets.

The Commission is hopeful that "persons in a position to afford television entertainment" will buy sets now, he said, because the F.C.C. is counting upon their participation to mould the future development of television, but he pointed out that the Commission wanted such persons to know all the facts before making their purchases.

Commissioner **Fly** was introduced over the air by **Alfred J. McCosker**, president of *WOR* and chairman of the board of *Mutual*.

NBC and *RCA* officials declined to comment on the speech. It was indicated by *NBC* officials that no attempt would be made to answer Commissioner **Fly's** speech over the air because of a network policy not to use broadcasting facilities to further the network's political position.

Hearings on the next step in television before the F.C.C. have been set for Monday.

U. S. Offers Lorentz Film to Distributors

WASHINGTON, April 2.—The United States Film Service tonight issued invitations to 29 distributors to submit proposed terms for the domestic release of the *Pare Lorentz* feature, "The Fight for Life." A statement said the invitations were issued following many inquiries from these companies.

Kills Infringement Suit

Federal Judge **Alfred C. Cox** yesterday dismissed the \$25,000 infringement suit of **Michael Maresca Ansaldi** against *NBC* and the *Procter & Gamble Co.* The court held that the plaintiff did not have the exclusive right to the name, "The Good Samaritan," used in a radio play, "The Guiding Lamp," over *WEAF*.

Hit Air Liquor Ads

CINCINNATI, April 2.—A resolution of protest to radio stations against use of liquor advertising was adopted at a meeting of the Greater Cincinnati Council of Churches here.

Holiday Boom Over U. S.; 'Rebecca' at Music Hall Soaring to \$120,000

The Easter holiday brought one of the biggest boxoffice booms in recent years to theatres all over the United States.

This exceptional increase in business is attributed to an abundance of high quality product from the studios, favorable weather breaks and a noticeable improvement in economic conditions.

In New York, grosses reached unusually high proportions, especially at the Music Hall where "Rebecca" is likely to garner \$118,000 to \$120,000 for its first seven days ending Thursday.

Music Hall attaches said the picture will prove to be one the five heaviest grossers in the theatre's seven-year history.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

DO NOT REMOVE

VOL. 47, NO. 67

NEW YORK, U. S. A., THURSDAY, APRIL 4, 1940

TEN CENTS

Chicago Has Thirty Triple Bill Theatres

Four Films Plus Dishes At One House

CHICAGO, April 3.—While showmen the country over are getting grey trying to think of a method of abolishing double bills, in Chicago triple features are worrying them. No less than 30 neighborhood houses in the city play triples. Efforts by circuit and independent groups to end the practice apparently have failed.

Three features on one bill have sporadically made their appearance in other cities in recent years, but not to the extent that they are in use in Chicago. With about 380 theatres crowded into a small area, exhibitors in the Illinois metropolis find competition fierce. This has resulted in "more for your money" policies and price cutting.

First it was double features and giveaways. Now it's triples plus premiums. One theatre, the Brighton, operated by the Schoenstadt circuit, offers four features and dishes. Estimates on the extra cost to theatres for the added films and premiums range as high as \$850,000 a year.

Jack Kirsch, president of Allied
(Continued on page 7)

Holdovers Prevail;

'Melody' at \$34,000

Broadway holdovers are the rule again this week, with the only change scheduled tomorrow when "It All Came True" starts at the Strand, succeeding "Virginia City." Biggest business of the week was garnered by "Rebecca," which finished its first seven days at Radio City Music Hall last night with \$120,000.

"Broadway Melody" at the Capitol grossed an estimated \$34,000 in its first week. Good weather was an aid to business throughout the week.

Loew's State returns to its usual
(Continued on page 8)

Strike Vote Aimed At Ringling Circus

A unanimous strike vote against the Ringling Bros. and Barnum & Bailey circus, scheduled to open Friday at Madison Square Garden, was passed yesterday at a meeting of the newly-chartered Circus, Carnival, Fair and Rodeo International Union.

The vote vested authority to call
(Continued on page 2)

Ginsberg Named Studio Manager For Paramount

HOLLYWOOD, April 3.—Henry Ginsberg, who has been assistant to Y. Frank Freeman, vice-president in charge of Paramount studio operations, last night was made general manager in charge of studio operations.

The studio announcement indicated that Ginsberg's duties would not conflict with those of George Bagnall, vice-president and executive studio manager, or of T. Keith Glennan, studio operations manager. The appointment of Ginsberg was made last night after a long conference with other studio executives.

Ginsberg had gone to his Paramount post from that of vice-president and general manager of Selznick International Pictures, which he joined in 1936 as general manager.

For several years he had been general sales manager of Educational, resigning to take a similar position with Preferred Pictures. Later he entered independent production as head of Sterling Pictures, and subsequently was an independent exhibitor in Eastern Pennsylvania. In 1935 he joined Roach Studios, as business manager, leaving the following year to go with Selznick.

Conn. Allied in Fight Upon Consent Decree

New Haven, April 3.—Allied Theatre Owners of Connecticut yesterday went on record as being opposed to a settlement of the Government's New York anti-trust suit by consent decree.

A copy of the organization's resolution was wired to Thurman Arnold, special assistant to the U. S. Attorney General.

Hays Resignation Withdrawn by UA

United Artists withdrew its resignation from the M.P.P.D.A. at the adjourned annual meeting of the organization's board of directors yesterday.

Accordingly, Maurice Silverstone, United Artists chief executive, was re-elected to the M.P.P.D.A. board, and Walter Wanger, United Artists producer, was added to the directorate. In addition, Sol Lesser and Hal Roach, also producers for United Artists, were re-elected to the board, thus giving the company the largest representation.

(Continued on page 2)

70-30 'Wind' Price to Rule Abroad, Small U.S. Towns

"Gone With the Wind" will be sold abroad on the same rental policy as in the United States, which is 70 per cent of the box-office gross to M-G-M. Extended runs and other conditions which prevail here will also be required. This is the decision of Loew's foreign department under the direction of Arthur M. Loew, Vice-president.

Coincident with this announcement was the revelation that "Gone With the Wind" will be shown in the nation's small towns at roadshow prices. Thus far the picture has played 1,400 engagements.

The 70-30 per cent rental terms will prevail throughout the world. Advanced box-office prices will be in effect for a full year. Nowhere will the picture be cut, according to M-G-M.

First foreign openings will be April 18 at three theatres in London, four months after the film had its world premiere at Atlanta. Other engagements are scheduled to start in Bombay, India, this month; in Sydney, Australia, May 1, and in Johannesburg, South Africa, May 12.

The London engagements will be at

the Empire, Ritz and Palace theatres. The Empire, M-G-M's British show window, will play the film on a continuous run policy at 87 cents matinees

(Continued on page 7)

Eastman Kodak '39 Net Hits \$21,537,577

ROCHESTER, N. Y., April 3.—Eastman Kodak Co. and subsidiaries for the year ended Dec. 30, 1939, reported net profit of \$21,537,577, compared with net profit in 1938 of \$17,041,798, according to the 37th annual financial statement, issued yesterday.

The net profit for 1939 is equal to \$8.55 per common share, after deducting dividends on the preferred stock. The 1938 net profit was equivalent to \$7.54 per share of common stock. Total consolidation sales in 1939 amounted to \$140,331,990, compared with \$128,262,832 in 1938, a gain of 9.4 per cent. Film supplied to the motion picture industry constituted 16 per cent of the company's total sales in 1939.

Sales Parleys Hinge on Trust Suit Settlement

Delay Meetings Pending Negotiations with U. S.

Several of the large distributors will not make final arrangements for their annual sales meetings this Spring until it is known definitely whether or not the Government's anti-trust suits will be settled out of court.

Reason for this is that the proposed settlement involves such drastic changes in sales procedure that, if it were to be accepted, salesmen throughout the country would have to be newly instructed on sales procedure. In the event that national sales meetings are held in advance of a final disposition of the proposed settlement, salesmen may have to be re-instructed and new season's sales policies revised in the event of a subsequent truce with the Government.

The proposed settlement contemplates selling in blocks of five to 10 pictures, sales to be made only to exhibitors within individual exchange areas and local trade showings of films.

The changes in sales procedure indicated are so vital as to require special meetings of sales organizations for schooling in the new order. So long as a possibility of a settlement exists some companies will make no

(Continued on page 8)

'U' Films, 'U' Corp. Choose Heads Today

Reelection of all officers of Universal Pictures Co., Inc., and Universal Corp., parent company, is scheduled at the annual meetings of the boards of the two companies today.

Officers of the picture company are: J. Cheever Cowdin, chairman of the board; Nate J. Blumberg, president; Charles D. Prutzman, vice-president and general counsel; Matthew J. Fox, William A. Scully, Joseph H. Seidelman, and Cliff Work, vice-presidents; Peyton Gibson, secretary; Samuel I. Machnovich, treasurer and assistant secretary; Ed Muhl, assistant secretary; Harold S. Brewster and Eugene F. Walsh, assistant treasurers.

Officers of Universal Corp. are J. Cheever Cowdin, chairman; Nate J. Blumberg, president; Charles D. Prutzman, vice-president and general counsel; Peyton Gibson, secretary and treasurer, and Margaret M. Sullivan, assistant secretary and assistant treasurer.

◀ Purely Personal ▶

SIDNEY R. KENT, president of 20th Century-Fox, returned yesterday from Florida.

JOSEPH MOSKOWITZ, **JACK CODD**, **HARRY BUCKLEY**, **MAURICE SILVERSTONE**, **ED SCHNITZER**, **ARTHUR GOTTLIEB**, **J. J. MILSTEIN**, **IRVING LESSER**, **JACK DIETZ** and **LOUIS BERNSTEIN** among those who lunched at Lindy's (51st St.) yesterday.

HOWARD DIETZ, **WILLIAM F. RODGERS**, **A. P. WAXMAN**, **STANTON GRIFFIS**, **BARNEY BALABAN**, **JOHN HICKS**, **GEORGE WELTNER**, **SAM HARRIS** and **A. H. BLANK** at Nick's Hunting Room in the Astor for lunch yesterday.

HAL HORNE, **PAUL LAZARUS**, **SAM SHAIN**, **A-MIKE VOGEL**, **SAM CITRON**, **JOSEPH MALCOLM**, **LEON BAMBERGER**, **W. RAY JOHNSTON** and **HARRY THOMAS** lunching at Bob Goldstein's Tavern yesterday.

HARRY HERMAN, former Warner Des Moines salesman, has returned from a visit to New York and Washington. He will take over the Fireman's Theatre, New Hampton, Ia.

M. L. SIMONS, editor of the *Distributor*, M-G-M house organ, leaves today for a vacation with relatives in Paris, Ill. He will later visit the Dallas exchange.

GUS S. EYSEL, assistant to **W. G. VAN SCHMUS**, managing director of the Radio City Music Hall, has returned from a motor tour of the South with his mother.

W. H. BANFORD, branch manager of M-G-M in Chicago, leaves over the weekend for three weeks on the Coast. He is accompanied by Mrs. BANFORD.

LYNN FARNOL returned from Louisville yesterday after making arrangements for the world premiere there tomorrow night of "One Million B. C."

BEN KALMENSON, Western and Southern sales manager for Warners, has returned from a two-week trip to branches in his territory.

RAY MILLAND, **ELLEN DREW** and **BOB HUSSEY**, director of radio activities for Paramount, arrive from the Coast Monday.

JOE PASTERNAK and **LOU POLLOCK** will return tonight from a brief business trip to Washington.

MONROE GREENTHAL of United Artists returned from Cleveland last night.

O. W. MILLER, Columbia booker in Des Moines, is ill at home with the flu.

RICHARD CARLSON, RKO player, is vacationing here.

ERICH POMMER left for the Coast last night.

BEN FELDMAN, manager of the B.&K. United Artists in Chicago, is

News Flashes from the Coast

HOLLYWOOD, April 3.—Harry Kadis, former Internal Revenue Department agent upon whom a writ of attachment was served when he failed to appear before a New York Federal Grand Jury investigating motion picture tax matters, today waived the removal hearing before U. S. Commissioner David Head here and told the court he would leave Saturday for New York.

Unless Republic studio notifies Sound Technicians Local 695, I.A.T.S.E., that it will sign a contract calling for wage increases by 9 a.m. tomorrow, no sound men will report for work. This ultimatum was delivered tonight by Harold V. Smith, business representative of the local, to E. H. Goldstein, studio manager. Al Wilson, production manager, and other Republic executives said that no such ultimatum had been delivered. The union is seeking to line up independent studios and sound service organizations on contracts calling for what amounts to 54 hours' pay for 42 hours of work.

Bert Allenberg today was announced as president of the Artists Managers Guild, succeeding M. C. Levee, head of the organization since its inception in 1937.

The Screen Publicists Guild last night voted to defray the expenses of sending a representative of various organizations in Hollywood to Washington to protest any changes in the Wagner labor act.

The Society of Motion Picture Film Editors have been notified by the producers that the 10 per cent wage increase will go into effect immediately, retroactive to Feb. 20.

The scheduled meeting between Y. Frank Freeman, president of the Motion Picture Producers, and J. W. Buzzell, vice chairman of the Conference of American Federation of Labor Studio Unions, set for tomorrow, has been indefinitely postponed, it was announced today. They were to have set a date for resumption of negotiations on the 10 per cent wage increase.

Griffith Takes Over Circuit in Southwest

OKLAHOMA CITY, April 3.—Thirty theatres in Oklahoma and Springfield, Mo., operated by Southwestern Theatres, Inc., have been taken over by a new company of which L. C. Griffith, president of the Griffith Amusement Co., is president.

The new firm is known as Griffith-Southwestern Theatres, Inc. The change will not affect operation of the 80 theatres owned by the Griffith Amusement Co. in Oklahoma and Texas. F. R. Isley, Tulsa, president of Southwestern Theatres, and W. P. Moran, Oklahoma City, secretary and treasurer, will retain interests in the new firm. It was reported the deal involved approximately \$500,000.

at Camp Benning, Ga., for a month's training. He is a lieutenant in the U. S. Army Reserve.

LORENZO MINOR, manager of Lichtman's Hippodrome is recovering from pneumonia at the Richmond Community Hospital. **HOMER PRICE** has been substituting for him.

DIANE HAAS, daughter of **EDD J. HAAS**, district manager for 20th Century-Fox in Kansas City, will be married to **WAYNE CLOVER, JR.**, on May 4.

VINTON FREEDLEY has been appointed a member of the board of governors of the League of New York Theatres.

FLOYD ARMSTRONG, projectionist at the National in Richmond, has left for schooling at Camden as an RCA engineer.

RALPH BRANTON of Tri-States Circuit, Des Moines, has joined A. H. BLANK here for Paramount home office conferences.

Strike Vote Aimed At Ringling Circus

(Continued from page 1)
The strike in the executive board of the union, of which Ralph Whitehead, formerly executive secretary of the American Federation of Actors, is president.

Officials of the circus declared that none of its employees were among the 200 persons present at the meeting. Whitehead declared that the circus had called a special rehearsal to prevent their men from attending and that he had forwarded a complaint to the National Labor Relations Board.

The union has jurisdiction over all "miscellaneous employees," Whitehead said, but does not include performers.

Philadelphia Dinner Honors Chamberlain

PHILADELPHIA, April 3.—L. J. Chamberlain, veteran Pennsylvania exhibitor, was guest of honor at a dinner Monday night, honoring him on his 35th year in the film business.

Theatre men from New York and this area attended the dinner, at the Warwick Hotel here. Among those present were Frank C. Walker, Colvin Brown, Earle Sweigart, Jay Emanuel and others.

Delay British Film Statement for Week

LONDON, April 3.—The Board of Trade statement indicating the British Government's course of action on film legislation has been postponed until next week. The statement is expected to take the form of an answer to a Parliamentary question, although none has been scheduled as yet.

Votes Sunday Films

BEATRICE, Neb., April 3.—Voters in this town of 9,500 yesterday for the sixth time in 10 years voted on Sunday films. Sunday shows were favored by 2,472 to 1,873.

Hays Resignation Withdrawn by UA

(Continued from page 1)

sensation on the board of any member company.

Warners, which is represented on the board by Albert and Harry M. Warner, is the only other company having more than one representative on the M.P.P.D.A. board.

The addition of Wanger to the board is viewed as having a direct bearing on the withdrawal of the United Artists' resignation, which had been submitted last September and was scheduled to have become effective with the annual meeting, if not withdrawn. Several meetings between Silverstone and Will H. Hays and other M.P.P.D.A. directors have been held within the last few days.

All other M.P.P.D.A. directors were reelected at yesterday's meeting. The directors in addition to Silverstone, Wanger, Roach and Lesser, are: Barney Balaban, Nate J. Blumberg, Jack Cohn, Cecil B. DeMille, E. W. Hammons, E. B. Hatrick, Hays, Frederick L. Herron, Sidney R. Kent, George J. Schaefer, Nicholas M. Schenck and Albert and Harry M. Warner.

The board reelected Hays president and chairman of the association for the 19th consecutive year. Other officers are Herron, treasurer, and Carl E. Milliken, secretary.

Court Denies Bioff Plea for Freedom

SPRINGFIELD, Ill., April 3.—The Illinois Supreme Court today denied a writ of *supersedeas* and bail to William Bioff, Coast I.A.T.S.E. leader, pending the court's review of his 1922 conviction in Chicago.

The writ sought would have allowed Bioff his freedom pending the court review, which is not expected until the June term of the State Supreme Court. No decision is likely before next October.

Dunlap's Mother Dies

HOLLYWOOD, April 3.—Funeral services were held yesterday at the Hollywood Cemetery Chapel for Mrs. Louise Dunlap, 80, mother of Scott R. Dunlap, vice-president in charge of production for Monogram. Mrs. Dunlap died at her home here on Sunday after a long illness. Cremation followed the services.

MOTION PICTURE DAILY

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THEY'RE OPENING IT THIS WEEK!

AN FRANCISCO • CIRCLE, INDIANAPOLIS • STRAND, NEW YORK • PARAMOUNT, FT. WAYNE • VICTORY, DAYTON
 L, SPRINGFIELD, MASS • BEN ALI, LEXINGTON • COLONIAL, AKRON • OHIO, CANTON • PLAYHOUSE, ST. PETERSBURG
 • EVANSVILLE • ROXY, MUNCIE • PARAGUAY, ANDERSON • WARNER, MEMPHIS • GRADY, SANTA BARBARA
 HOES • POLASKI, TEE ROCK • SAENGER, PINEBLUFF • STRAND, WAUSAU • STUART, LINCOLN • NORVICH, NORFOLK
 • ALBANY • BUFFALO • MARY ANDERSON, LOUISVILLE • ROXY, MISSOULA • PALOMAR, SEATTLE • FABIAN, PATERSO
 • ST. LOUIS • WARNER, MILWAUKEE • EVERETT • SVILLE • WARNER, WORCESTER
 • EL PASO • LE • METROPOLITAN, HOUSTON
 D, ALBANY • TON • HOLLYWOOD, FT. WORTH
 AUK, PASSAIC • S ANGELES • STRAND, ITHACA
 E, BETHLEHEM • NCIE • NEWMAN, KANSAS CITY
 , ALLENTOWN • N • HOLLYWOOD, LOS ANGELES
 WASHINGTON • RTFORD • WARNER, MILWAUKEE
 MOUNT, AUSTIN • EWARK • STANLEY, JERSEY CITY
 EY, PITTSBURGH • K • MIDWEST, OKLAHOMA CITY
 R, NEW CASTLE • GTON • CAPITAL, WILKES BARRE
 ERBOCKER, NASHVILLE • OUIS • ROXY, SPRINGFIELD, ILL.
 D, BELLINGHAM • K • CISCO • CALIFORNIA, SAN JOSE
 INA, CHARLOTTE • L • ETT • VITAPHONE, WENATCHE
 NIS, GALVESTON • V • GHAM • COLONIAL, RICHMOND
 NIAL, HARRISBURG • FT. • • AMBASSADOR, WASHINGTON
 RFORD, SCRANTON • NE • RFOLK • LIBERTY, CUMBERLAND
 ORD, NEWARK • E • AL • MARYLAND, HAGERSTOWN
 D, HARTFORD • Y • DOWNTOWN, LOS ANGELES
 AL, TORONTO • CISCO • BLUE BIRD, PETERSBURG
 OL, MONTREAL • O • METROPOLITAN, WINNIPEG
 NIPE • FORNIA • BEN ALI, LEXINGTON

It All Came True

by LOUIS BROMFIELD
 Author of "The Rains Came"



MUSIC TOO!
 GAUCHO
 SERENADE
 ANGEL IN
 DISGUISE
 And a medley of
 the Hit Parade
 of the Past

ANN Sheridan
 Hits the A-Time in Her First Starring Show!



with
JEFFREY LYNN • HUMPHREY BOGART
 ZASU PITTS • UNA O'CONNOR • JESSIE BUSLEY
 JOHN LITEL • Directed by LEWIS SEILER
 Screen Play by Michael Fessier and Lawrence Kimble
 A Warner Bros.-First National Picture

From **WARNERS**, The Showmen!



M-G-M's GREATEST TRANS

"20 MULE TEAM"

**WALLACE BEERY, star of
M-G-M's giant dramatic thriller
"20 MULE TEAM" launches this
amazing promotional triumph
in Los Angeles today!**

Greater than M-G-M's world-famed "Trackless Train"!
Greater than M-G-M's sensational Travelling Motion
Picture Studio! Today M-G-M once more electrifies the
industry with another nationwide showmanship scoop!





CONTINENTAL TOUR

TEAM //

**TODAY! Starting
from Los Angeles
on its way across
America!**



*Wallace Beery
as Skinner
Bill Bragg.*

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action



Book these **PARAMOUNT SHORTS** when you book your features!

MARCH 22
Grantland Rice Sportlight
TWO OF A KIND

MARCH 22
Popeye the Sailor
STEALIN' AIN'T HONEST

MARCH 29
Cinecolor
UNUSUAL OCCUPATIONS #4

APRIL 5
Color Cruise
ARGENTINA

100%
BOX OFFICE
tested

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Mar. 8	Outside the Three Mile Limit (G-D) <i>Jack Holt</i>	Ghost Comes Home (D) <i>Frank Morgan</i>	Human Monster (A-D) <i>Bela Lugosi</i>	Showdown (G-O) <i>William Boyd</i>	Pioneers of the West (O) 3 Mesquiteers	Isle of Destiny (G-D) <i>Gargan-Ford</i>			Zanzibar (G-D) <i>Lola Lane</i>	
Mar. 15	Men Without Souls (D) <i>Rochelle Hudson</i>	Young Tom Edison (G-D) <i>Mickey Rooney</i>	Midnight Limited (D) <i>John King</i> <i>Marjorie Reynolds</i>	Women Without Names (G-D) <i>Drew-Paige</i>	Forgotten Girls (G-D) <i>Donald Woods</i>	Millionaire Play-boy (G-C) <i>Joe Penner</i>	Grapes of Wrath (A-D) <i>Fonda-Darwell</i>		Ma He's Making Eyes at Me (M) <i>Tom Brown</i>	3 Cheers for the Irish (G-C) <i>Priscilla Lane</i>
Mar. 22	Too Many Husbands (A-C) <i>Arthur-MacMurray</i>			Road to Singapore (M) <i>Crosby-Lamour</i>	Rancho Grande (G-O) <i>Gene Autry</i>	Primrose Path (A-D) <i>Rogers-McCrea</i>	Blue Bird (G-D) <i>Shirley Temple</i>	My Son, My Son (A-D) <i>Aherne-Heywood</i>	It's a Date (G-D) <i>Deanna Durbin</i>	Virginia City (G-O) <i>Flynn-Hopkins</i>
Mar. 29		Florian (G-D) <i>Robert Young</i>	Son of the Navy (C) <i>Jean Parker</i> <i>James Dunn</i>	Farmer's Daughter (C) <i>Raye-Ruggles</i>	Ghost Valley Raider (G-O) <i>Donald Barry</i>		Free, Blonde and 21 (A-D) <i>Barn-Davis</i>	Over the Moon (D) <i>Merle Oberon</i>		
Apr. 5	Blazing Six Shooters (O) <i>Starrett</i>	And One Was Beautiful (G-D) <i>Muir-Cummings</i>	Tomboy (D) <i>Jackie Moran</i>	Adventure in Diamonds (D) <i>Brent-Miranda</i>	Dark Command (D) <i>Trevor-Wayne</i>	Courageous Dr. Christian (G-D) <i>Jean Hersholt</i> Bullet Code (O)	Stardust (G-D) <i>John Payne</i>	One Million B. C. (D) <i>Lon Chaney, Jr.</i>	Half a Sinner (D) <i>Heather Angel</i>	It All Came True (D) <i>Sheridan-Lynn</i>
Apr. 12	Man With Nine Lives (D) <i>Boris Karloff</i>	Dr. Kildare's Strange Case (D) <i>Lew Ayres</i> <i>L. Barrymore</i>	Pals of the Silver Sage (O) <i>Jack Randall</i>	Dr. Cyclops (G-D) <i>Albert Dekker</i> <i>Janice Logan</i>	Hi-Yo Silver (D) <i>Silver Chief</i> <i>Lynn Roberts</i>		Viva Cisco Kid (G-O) <i>Romero</i>	Rebecca (A-D) <i>Olivier</i> <i>Joan Fontaine</i>	Black Friday (G-D) House of Seven Gables (D)	Gambling on the High Sea (D) <i>Wayne Morris</i>
Apr. 19	I Married an Adventure (D) <i>Mrs. Johnson</i>	Two Girls on Broadway (C) <i>Turner-Blondell</i>	Terror of the Sky (D) Colorado Trails (O)	French Without Tears (A-C) <i>Drew-Millard</i>	Young Buffalo Bill (D) In Old Missouri (M)	Beyond Tomorrow (G-D) <i>Binnie Barnes</i>	Johnny Apollo (D) <i>Tyrone Power</i>	Saps at Sea (C) <i>Laurel-Hardy</i>	Enemy Agent (D) <i>Cronwell-Vinson</i>	'Till We Meet Again (D) <i>Oberon-Brent</i>
Apr. 26	Doctor Takes a Wife <i>Ray Milland</i>	Forty Little Mothers (C) <i>Eddie Cantor</i>	Missing People (D) <i>Will Fyfe</i> <i>Kay Walsh</i>	The Biscuit Eater (D) <i>Billy Lee</i> <i>C. Hickman</i>	Covered Wagon Days (O) Grandpa Goes to Town (C)	Curtain Call (D) <i>Helen Vinson</i>	Shooting High (G-O) <i>Gene Autry</i>		If I Had My Way (M) <i>Bing Crosby</i>	An Angel from Texas (C) <i>Albert-R. Lane</i>
May 3	Block "K" Rides Tonight (O) <i>Bill Elliott</i>	20 Mule Team (D) <i>W. Beery</i> <i>Leo Carrillo</i>	Cowboy From Sundown (O) <i>Tex Ritter</i>	Buck Benny Rides Again (C) <i>Jack Benny</i>	Women in War (D) <i>Elsie Janis</i> <i>Wendie Barrie</i>	My Favorite Wife (D) <i>Dunne-Grant</i>	So This Is London (C) <i>George Sanders</i>		Ski Patrol (D) <i>Philip Dorn</i>	
May 10		Edison, the Man (D) <i>Spencer Tracy</i> <i>Rita Johnson</i>		Opened by Mistake (C) <i>Charlie Ruggles</i> <i>Janice Logan</i>		Tom Brown's Schooldays (D) <i>Bartholomew Hardwicke</i>	I Was An Adventuress (D) <i>Zorina-Greene</i>		Black Diamonds (O) <i>Arlen-Dervine</i>	
May 17		Waterloo Bridge (D) <i>Robert Taylor</i> <i>Vivien Leigh</i>	Land of the Six Gun (O) <i>Jack Randall</i>	Typhoon (D) <i>Dorothy Lamour</i> <i>Robert Preston</i>			On Their Own (C) <i>Jones Family</i>	Turnabout (D) <i>Carole Landis</i> <i>Adolph Menjou</i>	Sandy Is a Lady (D) <i>Baby Sandy</i> <i>Mischa Auer</i>	
May 24		The Stars Look Down (D) <i>M. Redgrave</i>		Light of the Western Stars (O) <i>Victor Jory</i>					Alias the Deacon (C) <i>Bob Burns</i>	

70-30 'Wind' Price Will Rule Abroad

(Continued from page 1)

and \$1.12 evenings. The Ritz, next door to the Empire and used as a moveover house, and the Palace, which is a legitimate theatre, will have two reserved-seat performances daily, with prices scaled at \$3.12 top.

Similar price policies will prevail at other key city openings in Great Britain, and prices will be no less for U.S.

D. E. Griffiths, formerly managing director for First National in Great Britain, will handle sales of the picture in that country. Griffiths is president of the Kinematograph Renters Society (distributors' organization).

A straight roadshow plan is under consideration for these smaller town engagements, with an advance man preceding each scheduled run. The terms of each engagement will coincide with the announced policy of the company, 75 cents for matinees and \$1.10 reserved-seat top, evenings.

Regardless of the length of the prospective engagements, Metro-Goldwyn-Mayer plans to reinforce the small-town exhibitor with the aid of special exploitation. An M-G-M salesman and an exploitation representative will be assigned to each of the runs to help the exhibitor in presenting the picture on a reserved seat basis.

The company is accepting engagements in these smaller towns on a three and four-day basis. In many of these spots, this will mean that the picture will play for a period two and three times longer than usual.

Policy for the small towns was discussed yesterday at branch managers' meetings conducted by E. K. O'Shea, New York district manager, and Charles Kessnich, Atlanta district head.

Attending the meeting here were Ben Abner, New Jersey manager; Jack Bowen, New York; Rudy Berger, Washington; Benn Rosenwald, Charlotte; Ralph Pielow, Albany, and Ralph Maw, Buffalo.

At the Atlanta session were Roy Avey, Atlanta; Leroy Bickel, Dallas; James Bryant, New Orleans; William Zoelner, Oklahoma City; Frank Willingham, Memphis. Harold Postman, assistant to T. J. Connors, Eastern, Southern and Canadian division manager, represented him in Atlanta. Connors attended the New York meeting.

More Cities Report Big Easter Grosses

Additional reports on Easter Week grosses confirm earlier indications that business was appreciably better this year than last.

Birmingham theatres reported grosses up an estimated 10 to 15 per cent. Indianapolis and Kansas City theatres also enjoyed sizeable boxoffice gains.

Los Angeles, an exception to the general run of key cities, reported business slightly lower than a year ago.

E. P. Hearing Delayed

Federal Judge Mandelbaum yesterday postponed to April 10 the hearing on an application of Harry G. Fromberg, trustee of Grand National Pictures, to vacate the appointment of James A. Davidson as trustee of Educational Pictures.

New York Review

"Lights Out in Europe"

(Mayer-Burstyn)

A documentary film taken in England and Poland in the late Summer and early Fall of last year, immediately prior to and just after the declaration of war, this production offers another significant indictment of war. It is, of course, anti-Nazi and anti-war propaganda.

It was directed by Herbert Kline, and the cameramen included Alexander Hackenschmid and Peter Mayer. Fredric March gives fine emphasis to the commentary prepared by James Hilton, and Werner Janssen has composed a highly appropriate musical score.

Picturing the even tenor of London life before the attack on Poland, the documentary material moves rapidly into films of Poland's pledges to defend the country, the usurpation of Danzig by the Nazis, and Poland's frantic, last-minute efforts to prepare an adequate defense. Britain's swift mobilization is pictured, and Chamberlain, Lord Halifax, Churchill, Eden and other Cabinet members are seen going to and from Downing Street.

The film reaches its most poignant point in graphic scenes of helpless Polish peasants trying desperately to flee Nazi sky raiders, or watching the smouldering ruins of what were once their homes.

Running time, 66 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

St. Louis Paper Fined For Brady Editorials

ST. LOUIS, April 3.—Circuit Judge Thomas J. Rowe today found the Pulitzer Publishing Co., publishers of the *Post-Dispatch* here, and two editorial employees guilty of contempt of court charges growing out of editorials and cartoons relating to the recent dismissal of theatre extortion charges against State Representative Edward M. Brady. The State Supreme Court issued an order staying the sentences.

The company was fined \$2,000. Ralph Coghlan, editor of the editorial page, was sentenced to 20 days in jail and fined \$200, and Daniel R. FitzPatrick, cartoonist, was fined \$100 and sentenced to 10 days in jail.

Meanwhile, George E. Browne, president of the I.A.T.S.E., and Joseph Padway, general counsel of the A. F. of L., presided at sessions of Local 143 of the operators' union, seeking to bring peace between the factions favoring and opposing John P. Nick, ousted head of the union.

Bachman Master In Vineland Case

PHILADELPHIA, April 3. — David Bachman today was appointed special master by Federal Judge William H. Kirkpatrick to supervise the production of books and records to be introduced April 8 at the final hearing of the Landis Theatre anti-trust suit against Warner Theatres and the major distributors. The theatre is located in Vineland, N. J.

Consolidated Film Suit Being Weighed

Decision was reserved yesterday by N. Y. Supreme Court Justice Walter after a two week hearing of a stockholders' suit against Consolidated Film Industries, Inc., Republic Pictures, CBS, Setay Co., Cajo Co. and officers and directors of Consolidated. Claim is made that the defendants wasted Consolidated assets in transactions involving the purchase of Republic stock interests.

30 Chicago Houses Show Triple Bills

(Continued from page 1)

Theatres of Illinois, this week is reviving efforts to work out an agreement between the circuits and independents to do away with triples and premiums. For the last year or more he has been trying also to have dual bills abolished, or at least confined to the grind houses in the Loop.

Kirsch believes the large circuits should take the lead in returning to single bills and thus set an example for the independents.

Balaban & Katz, dominant theatre group, shows triples at the Belmont, Biltmore and Crystal. Essaness also triples at three theatres, the Crown, Irving and Davis. The city's other large circuit, Warners, has so far avoided triples but plays double bills throughout the circuit with the exception of the Beverly, which has an established single feature policy.

A number of independent theatres offer triples all or part of the week. Premiums are given away in most cases.

Shooting of 'Tree' Will Begin Today

WILLIAMSBURG, Va., April 3.—Initial shooting on Columbia's "The Tree of Liberty" will start here tomorrow shortly after the arrival from Hollywood of Frank Lloyd, director; with members of the cast and a technical staff.

Cost of the location trip is estimated by Lloyd at \$150,000. The unit will be here 10 days and will use an average of 800 extras daily.

Pennsylvania Cities Fighting Billboards

PHILADELPHIA, April 3.—Upper Darby, just outside Philadelphia's city limits, will seek state legislation to rid itself of "obnoxious billboards," it was decided at a meeting last night.

At Plymouth Township, near Norristown, Pa., the Commissioners last night outlawed all billboards under a zoning ordinance effective July 3. Only signs advertising products sold on the premises will be permitted.

"The DARK COMMAND"

RAOUL WALSH • DIRECTOR

with

CLAIRE TREVOR • JOHN WAYNE • WALTER PIDGEON

ROY ROGERS • GEORGE HAYES • PORTER HALL
MARJORIE MAIN • RAYMOND WALBURN



A Republic
PICTURE

Speech by Fly Draws Attack By Air Officials

Television officials interested in marketing receiving sets were unanimous yesterday in criticizing the speech of F.C.C. Chairman James L. Fly over Mutual and NBC-Red Tuesday night. The speech was termed "evasive" and "misleading" by a number of officials. Officially, however, they maintained a policy of silence and refused to be quoted or have their companies' policies mentioned.

It was pointed out that Chairman Fly failed to specify the new improvements which were "just over the horizon" nor did he indicate how long it might take to develop them. Television reception could be improved "100 per cent" without requiring more than \$20 of repairs on each set, according to one official, and these repairs will not be needed for a year or two.

Considerable bewilderment was expressed at Fly's statement that "Commission's new rules will soon permit what has been termed limited commercialization which will enable the owners of television stations to charge for the cost of programs as distinguished from other operating charges."

Permission for such programs was the major concession sought at the original F.C.C. hearings and revocation of the permission was the issue which started the present controversy. Since Monday's hearing is called expressly for the purpose of determining the fate of limited commercial programs, officials could not understand Chairman Fly's remarks.

A survey reveals that sets were selling at the rate of about 200 per week prior to the Commission's order and that sales have stopped almost completely. RCA has not only stopped

Holdovers Prevail;

'Melody' at \$34,000

(Continued from page 1)

policy today with the departure of "House Across the Bay," which netted a creditable gross of \$60,000 in two weeks. This was one of the few first-run films to have been held over at the house. The stage show was headed by George Jessel.

"Rebecca" earned the distinction of being the film with the third largest weekly gross in the Music Hall's seven-year history. The only two pictures which exceeded "Rebecca's" earnings were "Top Hat," a Fred Astaire-Ginger Rogers film, and "Prisoner of Zenda," a Ronald Colman picture.

In contrast to "Rebecca's" \$120,000, "Snow White" in five weeks grossed \$530,000, or an average of \$106,000 at the same theatre, and "Ninotchka" did \$105,000.

"In the 30 cities where 'Rebecca' has so far been released, it is holding over," Maurice Silverstone, chief of world-wide operations of United Artists, declared yesterday.

Other pictures holding over on Broadway are "Road to Singapore," for a fourth week at the Paramount; "Primrose Path" at the Romy, and "It's at Date" at the Rivoli.

Sales Parleys Hinge On Trust Settlement

(Continued from page 1)

move, because of this, to arrange for annual sales conventions.

On the other hand, companies which are not disposed to favor a settlement are ignoring this possibility and are proceeding on the assumption that, insofar as they are concerned, the Government suit is going to trial and its outcome is so remote as to have no bearing on the new season's selling plans.

Twentieth Century-Fox will hold its annual sales convention in Chicago next week. RKO is the only other major company which has set a date for a meeting and that date is late May, by which time the question of trial or settlement of the suit probably will have been determined, since the suit is scheduled for trial May 1 and any postponement would be likely to move the trial date over to next Fall, due to the summer recess of the Federal court.

Washington sources yesterday indi-

Montague Under Trust Quiz Today

Abe Montague, sales manager of Columbia, will submit to a pre-trial examination in the Government's "key" anti-trust suit today at 2:30 P. M. Special Assistant Attorney General Paul Williams, Government's trial counsel in the anti-trust suit, will personally question Adolph Zukor, chairman of the board of Paramount, on Friday at 10:30 A. M.

ated that current objections to the proposed suit settlement which have been advanced by defendant companies are not insurmountable, and it is believed in the Capital that chances for an agreement in the very near future are good.

Company objections to the proposed arbitration formula have been overcome for the most part, it was said, and current obstacles relate largely to the policies for the treatment of theatre change-overs.

Goddard to Hear Majors' Plea for More Trust Details

Defendant companies in the Government's New York anti-trust suit will submit an order to Federal Judge Goddard today setting forth the additional information they are seeking from the Government in response to their consolidated interrogatories.

The order will set forth deficiencies in the Government's answers which have been supplied defendants up to this time and will indicate the additional information desired. The time to be allotted the Government for complying with the order will be left to the discretion of the court.

Judge Goddard held last week that the Government has supplied insufficient answers up to now and will be obliged to reveal additional information to substantiate its charges against the companies. The Government agreed to supply additional information by tomorrow but the nature of this information was not agreed upon. Today's order is intended to correct this deficiency.

Connecticut Allied Aids Safety Drive

New Haven, April 3.—The Allied Theatre Owners of Connecticut has voted to assist the State Public Safety Commission in a current safety campaign by financing the printing of 10 trailers, and distributing them among the theatres in the State, with the cooperation of the local police. The exhibitor cooperation will continue over a period of several months, during which time a different trailer will be presented on the screen each month.

Seek Redefinition Of Employee Classes

WASHINGTON, April 3.—Changes in definitions of "executive," "administrative" and "professional" workers which may lift such employees in the film industry out of the groups covered by the wage-hour law may be made within the next few months by Wage-Hour Administrator Philip B. Fleming.

First steps toward rewriting of the regulations issued by former Administrator Elmer F. Andrews will be taken next week, when hearings will be held on the definition of those terms as applied to the wholesale distributive trades.

The inclusion of executive, administrative and professional workers among those entitled to the benefits of minimum wages and overtime pay has been a source of much difficulty to the film industry, particularly the producing end.

Plan to Broadcast Variety Club Affair

Plans are being completed for a nationwide broadcast of proceedings at the national convention of Variety Clubs in Dallas April 18, 19 and 20, according to Elmer Zrenner, chairman of the technical committee.

Robert J. O'Donnell, as chairman, Paul Short and John Adams, vice-chairmen, are in executive control of the convention. Chairman of general arrangements is J. O. Cherry; registration, B. C. Gibson, and reservations, Joe Estes.

As host, the Dallas Tent will provide an "old west" atmosphere at the Twilight Fiesta, the Mexican Jamboree and the Frontier Frolic with each member in full Western regalia.

Ampa Nominees Quit

Lou Pollock of Universal and Kenneth Clark of the Hays office have withdrawn as nominees on the Ampa official slate as vice-president and secretary, respectively. Vincent Trotta, present vice-president, has substituted for Pollock and Joseph Gould of United Artists for Clark. The nominations, headed by Leon J. Bamberger for president, will be voted on next Thursday.

AGVA Office Moving

The American Guild of Variety Artists will move to larger quarters at 1650 Broadway on Saturday. Both the national and New York local offices will be housed in the new quarters.

Radio Brevities

One of radio's most popular programs, "America's Town Meeting of the Air," will be televised on Thursday, April 11, at the same time that it is broadcast over NZC-Blue. U. S. Solicitor General Robert H. Jackson and Glenn Frank, chairman of the program committee for the Republican Party, will discuss "What is the Difference Between the Democrats and Republican Parties?"

The program was arranged several days before the F.C.C. clamped down on television and it may have some interesting political repercussions if these two leading politicians find television a satisfactory new medium.

Program Notes

Two new sustaining programs start on Sunday over CBS. At 5:30 P.M., there will be a musical program with John Kirby and his band, Maxine Sullivan and negro spirituals by the Golden Gate Quartet. At 8:30 P.M., "The Song I'll Never Forget" will begin. This program will invite guests from all walks of life to tell how one particular song influenced their lives. Harry Salter and his band will play the songs. Ted Steele will act as emcee for the first program and he will be followed by Frank Luther. . . . "Grand Central Station" starts its third year over CBS on April 26.

Personalities in the News

Wendell Willkie, president of the Commonwealth & Southern Corp., will be guest on "Information, Please" on Tuesday at 8:30 P.M. over NBC-Blue. . . . Ben Grauer has been signed as announcer for "District Attorney" which starts at 8 P.M. over WEAJ tonight. . . . Every performer in the new Don Ameche program will be busy in Hollywood studios next month. These include Claire Trevor, Pat Friday, Victor Young and the vocal group, "Six Hits & A Miss."

League, Ticket Men Defying Each Other

The League of New York Theatres yesterday defied the Associated Theatre Ticket Agencies, organization of 19 independent ticket brokers, to carry out its threat to stop selling legitimate theatre tickets for three weeks beginning Monday.

The brokers responded by declaring that they might "just as well be out of business" if the Code Enforcement Authority continued its present tactics.

The League declared that brokers who refused to accept their allotments during the stoppage, would have their tickets divided among the "big three" agencies and that the allotments might be permanently cancelled after the three-week stoppage was over. The A.T.T.A. will meet tonight and make its final decision on the strike.

Sussman Month Set

April is being observed as "William Sussman Month" in the Eastern division of 20th Century-Fox, honoring the company's Eastern division manager. Similar drives have been held in William Kupper's Western division and W. C. Gehring's Central division.

MOTION PICTURE DAILY

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TEN CENTS

Britain Will Reveal Film Plan Monday

Surprise Meeting Bars American Companies

LONDON, April 4.—In a surprise announcement today, the British Board of Trade called an all-British film trade conference for Monday at Whitehall.

Producers, exhibitors and labor unions, but not representatives of American distribution companies, were invited to send deputations to hear the Government's plan with respect to the film industry.

At this time it is apparent that the distributors have not been invited, since they have as yet received no communication from the Board of Trade regarding the meeting. Nonetheless, it is considered in informed quarters entirely possible that the Board may invite American representatives for an informal, preliminary discussion prior to the Monday session.

Indications up to today were that the declaration of Government policy on the industry situation had been postponed until some time next week. Previously it had been expected today or tomorrow.

Meanwhile, a deputation from the Cinematograph Exhibitors Association will appeal to the Chancellor of the Exchequer tomorrow for drastic reductions in the admission tax.

Local Control Back To St. Louis Union

St. LOUIS, April 4.—Local control was restored to operators' Local 143 here today by George E. Browne, I.A.T.S.E. president. The move is expected to bring peace in the operator situation here, with settlement of the dispute with Fanchon and Marco theatres anticipated immediately.

Browne took autonomy from the union in 1935 and placed the local in control of John P. Nick, an international vice-president. His regime was not ended until anti-Nick members went to court and had him and Clyde A. Weston, his chief lieutenant, ousted.

Robert Tomsen, leader of the anti-Nick faction, was elected business agent at a meeting of the local today. Harry Baco was elected president; William Robinson, vice-president and chairman of the executive board, and Harvey O'Loughlin, secretary.

Warners Delays Sales Convention

Warners is one of the companies which has postponed its annual sales convention because of the uncertainty over selling policies due to the pending anti-trust suit and the possibility of its settlement.

The company plans to hold a national convention in June. The date will be set in conferences which Gradwell L. Sears, sales chief, is holding with executives on the Coast. Last year the convention was held in March.

Lange Sees Big Drop in Exports

American distributors may be limited to the exportation of 100 features annually to Europe in the future because of post-war taxation on imports, according to Fred W. Lange, Continental European manager for Paramount.

Lange will sail on the *Washington* tomorrow, returning to his Paris headquarters after a two-month visit at the home office.

He believes the 80 per cent reduction in exportable films will result from higher costs of doing business abroad after the war, and the consequent elimination of profits on all except exceptional films. The principal factor in increased costs which he foresees will be taxation levied to pay Europe's war bills.

In this respect, Lange pointed out that even the present neutrals, such as the Scandinavian countries, Italy, Holland and Belgium, will be obliged to enact tax legislation on a scale comparable with that of the belligerents due to their continuing expenditures for armaments throughout the war.

Lange said Paramount has no intention of resuming business in Italy and Spain while current regulations remain in effect.

Lewis J. Buddy, Paramount News European representative, is returning to Europe with Lange, after a month's visit at the home office.

Pioneers' Group Named for Event

Harry Brandt has been named chairman of the entertainment committee for the Picture Pioneers Spring conference, arrangements for which are scheduled to be completed early next week. Serving on the committee are Barney Balaban, Nate J. Blumberg, Charles C. Moskowitz, Marvin Schenck, Ned Depinet, Si Fabian, George Skouras, Sam Rinzler and Joe Hornstein.

U. S. CALLS FIRST TRUST WITNESSES

Consent Decree Grows Less Popular With Defendant Firms

WASHINGTON, April 4.—The apparent certainty that some of the major company defendants will not accept a consent decree in settlement of the Government's New York anti-trust suit looms as the most serious obstacle at this time to an agreement on the Department of Commerce proposals for an out-of-court settlement of the action, it was learned today.

Companies favoring a settlement are fearful that if they accept the proposed selling restrictions and other companies do not, the latter will have a decided competitive advantage over them.

It was this point that prompted suggestions that the Neely bill might be amended to conform to and include the provisions of the decree, which, in such legislative form, then would apply to all companies.

However, there now is virtually no possibility of rushing through such

(Continued on page 4)

10% Elimination Is Out, Says Montague

Columbia, which formerly granted exhibitors a 10 per cent cancellation clause, has discontinued that practice, Abe Montague, Columbia sales head, revealed yesterday at his pre-trial examination in the Government's "key" anti-trust suit.

The company has consistently favored "substantial independents" over affiliated houses in the sale of its product, Montague testified. His examination was completed yesterday.

Adolph Zukor, chairman of the board of Paramount, will take the stand today. William Kupper and William Sussman, Western and Eastern sales managers of Twentieth Cen-

(Continued on page 4)

Foreign Loss Big Problem—Selznick

CHICAGO, April 4.—The recovery of foreign revenue losses is the greatest problem facing producers today, David O. Selznick, United Artists producer, said on his arrival here today from the Coast en route to New York. The solution, he said, must be found in domestic sales, and that calls for fewer but better films.

160 Subpoenas Expected For Opening of Trial Here on May 1

The Government will subpoena more than 100 witnesses for their appearance at the outset of the trial of the "key" anti-trust suit on May 1, it was learned yesterday.

As a first step, the Government yesterday secured an order from Federal Judge Samuel Mandelbaum which authorized it to serve subpoenas upon 14 named witnesses directing them to appear on May 1.

Grounds for the order, as set forth in an affidavit of Paul Williams, chief Government trial lawyer, are that the testimony of the 14 witnesses is "material and necessary" at the trial and that "the United States cannot safely proceed to trial without the testimony of these witnesses."

Those named in this first of a series of orders follow: William W. Hodgkinson, Carlsbad, Cal.; Richard Rowland, 1030 N. Las Palmas, Los Angeles; T. L. Tally, 1544 W. 8th St., Los Angeles; I. E. Chadwick, 6066 Sunset Blvd., Hollywood; Chris Lampros, Capitol Theatre, Farrell, Pa.; Joseph, William and Al Weiss, McKeesport, Pa.; William D. Davis, Triangle Theatre, Pittsburgh; Thomas A. Gilbert, New Oakland Theatre, Pittsburgh; Charles Morse, 260 Tremont St., Boston; H. A. Batastini, Alpine Theatre, Punxsutawney, Pa.; M. E. Ouslander, Pinebrook Theatre, Scranton, Pa., and Harry Stahl, NuLuna Theatre, Sharon, Pa.

An order permitting the issuance of subpoenas is required in all instances where a witness lives more than 100 miles from the courthouse, attorneys explained. In the case of witnesses residing in the metropolitan area, the Government may proceed with subpoenas without the necessity of an order, it was said.

Lasky Plans York Film for Warners

Jesse L. Lasky will produce "The Amazing Story of Sergeant Alvin C. York" for Warners at the company studio.

This is the second deal Warners has made with an outside producer. The first was with Frank Capra, who will make "The Life of John Doe" for Warners.

Warners said the film will be budgeted at \$2,000,000 and that Serg. York will be technical adviser.

◀ Purely Personal ▶

NICHOLAS M. SCHENCK, president of Loew's Inc., has returned from Miami Beach where he spent most of the Winter.

BEN HECHT, **FRED SCHWARTZ**, **MAURICE BERGMAN**, **HARRY BUXBAUM**, **MAX GORDON**, **RICHARD CARLSON**, **TYRONE POWER**, **GUY BOLTON**, **THOMAS MITCHELL** and **IRVING CAESAR** among those lunching at Sardi's yesterday.

NAT WACHSBERGER, **MAURICE SILVERSTONE**, **HARRY GOLD**, **BUDDY MORRIS**, **ARTHUR GOTTLIEB**, **JACK GOETZ**, **MORRIS KINZLER**, **IRVING LESSER**, **MARTIN MOSKOWITZ**, and **NAT COHN** among those lunching at Lindy's (51st St.) yesterday.

JOHN E. FLYNN, M-G-M district manager at Detroit, observes a birthday today. **FRANK J. DOWNEY**, manager of the Detroit branch, will observe his birthday tomorrow.

C. C. MOSKOWITZ, Loew's theatre executive, leaves today for a three-week vacation in Miami Beach. He will be accompanied by **BILL MOSES**.

NAT WACHSBERGER, vice-president of Film Alliance of the U. S., returned yesterday from Paris on the American Clipper.

BARNEY BALABAN, Paramount president, is in Toronto for meetings of the Famous Players-Canadian board.

ARTHUR JACOBSON, head of Paramount's talent department, will arrive here Sunday from the Coast.

CARTER BARRON, Loew's district manager in Washington, conferred at the home office yesterday.

SAM MEINHOLD, Loew's New York district head, is back on the job after a minor operation.

MEL HEYMANN of **HOWARD DIETZ**'s publicity department at M-G-M is back from Miami.

TYRONE POWER and **ANNABELLA** return to the Coast tomorrow via American Airlines.

JOSEPH DEITCH of Des Moines is here for Paramount home office conferences.

JOSEPH COOPER has returned from a business trip to Nebraska and Oklahoma.

HARRY EDINGTON will leave for the Coast today.

LOU DIAMOND, **MONROE GREENTHAL**, **HARRY KOZINER**, **SIDNEY PHILLIPS**, **RALPH AUSTRIAN**, **TOM CONNORS**, **SAM SHAIN**, **TED O'SHEA**,

THEATRES WANTED

Have substantial amount to invest in partnership or full interest in one or more theatres showing a profit—located anywhere within 500 miles of New York. Correspondence will be treated in strict confidence. Box 809, MOTION PICTURE DAILY, Rockefeller Center, New York.

Hollywood Review

"Son of the Navy"

(Monogram)

HOLLYWOOD, April 4.—It is long since James Dunn has had such appropriate casting as given him here, as a Navy man caught up in the complications of unpremeditated domesticity, and he turns in a sparkling performance. Close runners-up for acting honors are Jean Parker, as a Navy man's daughter out of sympathy with Navy life, and Martin Spellman, playing an 11-year-old orphan who causes all the trouble by "adopting" Dunn as his father. William Royle, Selmer Jackson, Dave O'Brien and Sarah Padden are others supplying admirable performances.

The screenplay by Martin Orth and Joseph West is based on a story by True Boardman and Grover Jones, performed originally on a national radio program. It is mainly amusing, in a fresh and wholesome way, but also contains occasional emotional touches which give the narrative satisfying substance. Associate producer Grant Withers and director William Nigh furnished highly proficient executive supervision.

The scene is San Pedro and San Francisco, with the fleet moving from one port to another in the course of the action and the fleet personnel entering authentically into the story.

Running time, 72 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

Protests 'Primrose' Run in Providence

PROVIDENCE, April 4.—George French, manager of the RKO Albee here, has received a letter from James S. Seligman, attorney of Fall River, Mass., ordering him not to show "Primrose Path."

The attorney claims the RKO film is libelous and invades the private rights of Seligman's clients, living in Fall River. The film is based on Victoria Lincoln's novel, "February Hill," also the subject of a libel suit. The film is set for the Albee April 11. French forwarded the letter to the RKO home office.

M. V. Carroll Dies; Burial Tomorrow

Matthew V. Carroll, 44, treasurer and director of National Theatre Supply Co. for 15 years and treasurer of General Theatres Equipment, Inc., died yesterday morning at his home in Bronxville after an illness of two months.

Survivors include the wife, Mary, and two daughters and two sons. Funeral services will be held at 2:15 o'clock tomorrow at the Bronxville Christ Church.

RUSSELL HOLMAN, **FRED LANGE**, **GEORGE WELTNER** and **E. C. GRAINGER** among those at Nick's Hunting Room in the Astor for lunch yesterday.

HARRY GOETZ, **PAUL LAZARUS**, **OSCAR DOOB**, **TOM LOACH**, **ROBERT SAVINI**, **HAL HORNE** and **JOSEPH MALCOLM** among those who lunched at Bob Goldstein's Tavern yesterday.

WILLIAM A. SCULLY, Universal vice-president and sales manager, and **W. J. HEINEMAN**, Western sales manager, will leave the Coast today, arriving here on Monday after a week's visit at the studio.

EMANUEL SILVERSTONE, American representative for **ALEXANDER KORDA**, is expected from the Coast by plane this weekend.

AL MARGOLIES, United Artists publicity manager, will leave for Boston today to work on the "One Million B. C." campaign there.

Pollock Heads Rival Ampa Election Slate

Louis Pollock, Eastern advertising and publicity director for Universal, has been nominated as Ampa president on a second ticket presented yesterday to the president, Paul Lazarus, Jr. Leon Bamberger, sales promotion manager of RKO, was nominated recently as the regular candidate on the official slate.

The Pollock slate otherwise is the same as the official ticket, with the exception that Rutgers Neilson of RKO is nominated as a director in place of Paul Benjamin of National Screen Service. Neilson, incidentally, was chairman of the nominating committee which selected the Bamberger ticket. Pollock was nominated as the "official" vice-president but withdrew.

The contest will be decided in the annual election next Thursday at Dempsey's restaurant.

Bill in Mississippi Allows Sunday Films

JACKSON, MISS., April 4.—A bill to legalize Sunday motion pictures in Mississippi but imposition for the privilege of a 100 per cent increase in the state's amusement levy of 10 per cent for that day only, was introduced in the House of Representatives early this week. The tax of one cent begins on 10-cent admissions. Under the existing law, a tax of one cent on each 10 cents is charged on admissions.

The bill was introduced by Representative Grover Doggett of Laurel, one of several communities where court fights have been staged by citizen groups to bring back Sunday shows.

Bioff Seeks Illinois Decision Rehearing

SPRINGFIELD, ILL., April 4.—William Bioff, Coast I. A. T. S. E. leader, continued his fight in the Illinois Supreme Court today for his freedom pending the court's review of a 1918 Chicago conviction.

Bioff's counsel asked the court to vacate its order of yesterday denying a writ of supersedeas and bail and asked reconsideration of the decision. The court is scheduled to hear the new motion next Wednesday.

Tips on Exploitation

Executive Urges Poster Paper Be Revamped

A complete revamping of pictorial poster paper is suggested by a New York circuit executive, who believes the present 24-sheets, 6-sheets, and 3-sheets used for features are outmoded. He points out that distributors are supplying the same type of paper today, when double features are general, as was issued when single features were the rule.

The normal 24-sheet stand, as now used in New York, according to the executive, consists of a 28-sheet billboard divided into six sheets along the top and 18 sheets of copy, making 24 sheets centered, leaving a white border on the four sides. The executive suggests instead of the 24-sheet pictorial a 15-sheet (five sheets long and three sheets high) be made up leaving space on the stand for a second feature, this space to be poster with a 6-sheet made up in type, with any other additional attraction needed.

He suggests also that a new type poster be developed, to consist of a 2-sheet upright—the art copy to consist of 1½ sheets, the remaining ½ sheet to be blank—to be imprinted by theatres with a second feature. This when posted on a 3-sheet board would be laid out as follows: ½ sheet head—2-sheet art poster—total 2½ sheets. The remaining ½ sheet space would be utilized by split week houses for their last half show.

He urges that 6-sheets should be eliminated, and as the trade becomes accustomed to the change, paper could be confined to two types, 15-sheets and 2-sheets.

Farnol, Greenthal Plan Tour to Boost 'Million B. C.'

Lynn Farnol, United Artists advertising and publicity director, and Monroe Greenthal, exploitation manager, will visit every exchange center in the country during the next few weeks to outline special campaigns for the company's exhibitor accounts and salesmen on "One Million B. C."

A complete analysis of the best selling methods devised for the picture and an outline of the advertising, publicity and exploitation campaigns will be gone over with exhibitors and salesmen in the exchange centers.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Los Angeles Gives \$17,000 To 'Husbands'

LOS ANGELES, April 4.—"Too Many Husbands," paired with "Little Orvie," scored \$17,000 at two houses, \$8,400 at the Hillstreet and \$8,600 at the Pant. "Rebecca" got off to a strong start at the 4 Star with \$9,800.

Estimated takings for the week ending April 3:

"Gone With the Wind" (M-G-M)
CARTWAY CIRCLE—(1,518) 75c-\$1.50, 7 days, 14th week. Gross: \$12,500. (Average, \$17,000)

"The House Across the Bay" (U.A.)
"The Earl of Chicago" (M-G-M)
CHINESE—(2,500) 30c-75c, 7 days. Gross: \$11,400. (Average, \$12,500)

"Rebecca" (U.A.)
4 STAR—(900) 40c-55c, 7 days. Gross: \$9,800. (Average, \$3,250)

"Too Many Husbands" (Col.)
"The Marines Fly High" (RKO)
HILLSTREET—(2,700) 30c-65c, 7 days, 2nd week. Gross: \$8,400. (Average, \$6,500)

"The House Across the Bay" (U.A.)
"The Earl of Chicago" (M-G-M)
LOEW'S STATE—(2,500) 30c-65c, 7 days. Gross: \$13,800. (Average, \$14,000)

"Too Many Husbands" (Col.)
"Little Orvie" (RKO)
PANTAGES—(3,000) 30c-65c, 7 days, 2nd week. Gross: \$8,600. (Average, \$7,000)

"Road to Singapore" (Para.)
PARAMOUNT—(3,595) 30c-65c, 7 days, 3rd week. Stage: F. & M. revue, Buddy Pepper and his orchestra. Gross: \$14,000. (Average, \$18,000)

"Gone With the Wind" (M-G-M)
UNITED ARTISTS—(2,100) 75c-\$1.50, 7 days, 14th week. Gross: \$12,000.

"Virginia City" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000) 30c-65c, 7 days, 2nd week. Gross: \$10,800. (Average, \$14,000)

"Virginia City" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400) 30c-65c, 7 days, 2nd week. Gross: \$12,700. (Average, \$12,000)

Neely Bill Debated At Pa. Women's Club

CHESTER, Pa., April 4.—The Neely bill was both attacked and defended today by Harry Goldberg, Warner Theatres publicity head, and Sidney E. Samuelson, of Eastern Pennsylvania Allied, at a Motion Picture Day meeting at the Century Club, arranged by Mrs. Homer K. Emmons, chairman of the Motion Picture Division of the Delaware County Federation of Women's Clubs. Five hundred women attended.

Goldberg argued that the buying and selling of pictures was an industry and not a public issue, while Samuelson attacked block booking and blind selling.

Preceding the debate, Mrs. Edna R. Carroll, chairman of the Pennsylvania motion picture censor board, defended official censorship against that of pressure groups.

In the morning at Boyd theatre, Carl E. Milliken, representing Motion Picture Producers and Distributors of America, stressed that while entertainment was the "supreme service" of motion pictures, teachers and women's clubs should take advantage of the industry's by-products as a medium for visual education.

Loew's Dividend

Directors of Loew's, Inc., yesterday declared a regular quarterly dividend of \$1.62½ a share on the \$6.50 cumulative preferred stock, payable May 15 to stockholders of record April 30.

News Flashes from the Coast

HOLLYWOOD, April 4.—With the elevation of Henry Ginsberg to general manager of Paramount studio operations, T. Keith Glennan, who has been studio operations manager, will become studio manager in charge of departments, effective tomorrow, it was announced tonight. Fred Leahy, production control manager, has resigned.

It was indicated today that a new consent election would be attempted by the National Labor Relations Board to determine jurisdiction over film scenic artists. This group of employees is claimed by both the Scenic Artists Association and the Moving Picture Painters Local 644.

Jules Levy, Universal producer, announced today that the Ritz Brothers were definitely out of "Boys from Syracuse." Joe Penner, Alan Mowbray and Eric Blore have been signed for their intended roles.

Cantor Film to Get East Side Premiere

Eddie Cantor's friends on the East Side, where he spent his early youth, will give him a grand "homecoming" on April 17 when his film, "40 Little Mothers," will be given its world premiere at Loew's Canal Theatre at Canal and Ludlow streets.

This will be the first event of its kind in the history of the neighborhood. The showing will be for the one night. The following day Cantor and the picture will start a regular engagement at the Capitol on Broadway. The film is an M-G-M release and Cantor's first picture in three years.

Al Smith, Irving Berlin, George Jessel and others who came from the East Side will appear on the stage of the Canal Theatre with Cantor. The Grand Street Boys Association is helping stage the event.

Tickets for the premiere will be \$1 each, as a benefit for neighborhood settlement houses. It will climax a big celebration, which will include a parade and a luncheon given by the East Side Chamber of Commerce.

The stage show which Cantor will head at the Capitol will include Jessel, Don Albert and his WHN orchestra, Buster Shaver & Co., and the Frazee Sisters. This will be the first stage show at the Capitol since last August when Mickey Rooney and Judy Garland appeared at the house with "The Wizard of Oz."

2 Film Companies Sued on Fire Loss

Twentieth Century-Fox Film Corp. and De Luxe Laboratories, Inc. were named defendants yesterday in a suit for \$82,346 damages filed in the N. Y. Supreme Court by Atherton Productions, Inc., Peck's Bad Boy Corp., Serial Producing Corp. and Principal Pictures Corp.

Suit claims the negligence of defendants caused a fire in a film warehouse in Little Ferry, N. J., in 1937 resulting in the loss of plaintiffs' negatives. Atherton Productions demands \$42,864, Peck's Bad Boy Corp., \$29,700, Serial Producing, \$4,768 and Principal Pictures, \$5,014.

Sues RKO Over Script

Olga Linek Scholl Russ filed suit yesterday in the N. Y. Supreme Court against RKO Radio for \$250,000 damages and an injunction. Plaintiff charges the pirating of her script, "Long Live Love," in the Lily Pons film, "I Dream Too Much."

20 Mules on Trek To Exploit Picture

LOS ANGELES, April 4.—Mayor Fletcher Bowron today gave an official sendoff at City Hall to M-G-M's "20 Mule Team" equipage which will make a transcontinental trek to exploit the film of the same name.

Howard Dietz, M-G-M advertising and publicity chief, originated the idea. The stunt is being executed by William R. Ferguson and Frank Whitbeck.

Named Friedman's Aid

HOLLYWOOD, April 4.—Ann Rosenthal, formerly general attorney for Grand National in New York, has been appointed assistant to Harry Friedman, in charge of the legal department of the William Morris Agency here.

Newsreel Parade

Beginning of the 1940 decennial census is prominently featured in the new issues, contents of which follow:

MOVIEZONE NEWS, No. 60.—Warships off for secret maneuvers. New torpedo boat for Navy. Golden Gate Exposition readied for reopening. King Mule crowned in Tennessee. Wild geese over Iowa. Dog show in Chicago. Army bombers over Grand Canyon. Horses trained for Kentucky Derby. Del Monte diving exhibition. Boys in boxing bouts.

NEWS OF THE DAY, No. 258.—U. S. fleet leaves Coast. Bombers in formation flight. Census begins. Bob Hope assumes census taker's role. Foreign Legion off to war. Churchill becomes British war chief. Rescue ice-bound boat crew. Boys' club boxing matches.

PARAMOUNT NEWS, No. 63.—Spruce-up Coast Fair. Navy tests new torpedo boat. Ships sail for Pacific war games. Primary election in Wisconsin. Farley at Tennessee mule auction. Badminton championships in Seattle. New York adopts pari-mutuel betting. Census Bureau begins biggest quiz.

RKO PATHE NEWS, No. 75.—National census starts. Fleet off to Pacific war games. Test fastest torpedo boat. Primary election in Wisconsin. Foreign Legion called to war duty.

UNIVERSAL NEWSREEL, No. 864.—Decennial census gets underway. Air corps observes Army Day. Fleet sails for big war game. Pennsylvania floods abate. Foreign Legion off to war. Navy tests new torpedo boat. Prepare Coast Fair for reopening.

'U' Officers Renamed

All officers of Universal Corp., parent company, and Universal Pictures Co., Inc., were reelected at the annual meetings of the boards of the two companies yesterday.

THE EYES HAVE IT!

.... Smart showmen will grab it!

LORETTA YOUNG * RAY MILLAND

The Doctor Takes a Wife

Screen play by George Seaton and Ken Englund
Directed by ALEXANDER HALL • Produced by William Perlberg
A COLUMBIA PICTURE

Defendants Cooling on Trust Pact

(Continued from page 1)

legislation in the short time remaining of this session of Congress, which heightens the seriousness of the matter as an obstacle to achieving a settlement.

Indications are that four or five of the eight major companies are either opposed to acceptance of a consent decree or do not regard the Department of Commerce proposals as acceptable in their present form.

No formula for extending the settlement proposals to cover those companies which would not accept a consent decree voluntarily has been discovered yet. Until one has, even those companies which favor a settlement will be wary of relinquishing competitive advantages to companies who will not be bound by the restrictions of a decree.

In addition to company opposition to a decree, several Allied States units are on record as being opposed to an out-of-court settlement of the suit. Their stand is likely to have some influence with the Department of Justice which brought the suit originally on the complaints of Allied members, among others, and will be obliged to rely heavily on their testimony if the suit goes to trial.

Moreover, the Department is unfamiliar with trade operations and feels the need of counsel from some trade source on the probable effects of the proposed decree when put into operation.

A third draft of the Department of Commerce proposals, revised in several major respects, has been forwarded to company heads in New York within the last day or two, making it apparent that settlement efforts are proceeding without interruption despite the numerous obstacles in the way of an effective agreement.

Goddard Hearing Indefinitely Postponed

Hearing scheduled yesterday before Federal Judge Henry W. Goddard to fix the terms of an order directing the Government to serve an additional bill of particulars in reference to its anti-trust suit, was postponed indefinitely.

Grosses Continuing Strong on Broadway

Broadway business continued on a high level with three holdovers producing creditable grosses.

"It All Came True" opens today at the Strand with a stage show headed by Eddy Duchin and his orchestra and Gil Lamb. "Virginia City" with George Olsen's band on the stage, finished its second week at the Strand with an estimated \$34,000. "Primrose Path," with a stage show grossed an estimated \$39,000 in its second week at the Roxy and holds over for a third week.

"It's a Date" drew an estimated \$25,000 for its second week at the Rivoli and also holds over. "The House of Seven Gables" will be the next attraction at the Rivoli.

'Pot o' Gold' Revises Its \$1,000 Giveaway Starting on April 30

Following nationwide exhibitor protests and a Department of Justice investigation of the possible lottery aspects of the "Pot o' Gold" program heard over NBC-Red on Tuesdays, Lewis-Howe Co., the sponsors, announced yesterday that the style of the program would be changed on April 30.

The title and the \$1,000 giveaway will be retained but the method will be changed. There are about a dozen plans under consideration. At present, a telephone number is selected by chance and called directly from the studio. If the phone is answered, the telephone subscriber receives \$1,000; if unanswered, he receives \$100 and the \$900 balance is added to the following week's prize.

Two stations, WFBR, Baltimore, and WDAF, Kansas City, have refused to carry the show since the end of the second 13-week period.

10% Elimination Is Out, Says Montague

(Continued from page 1)

tury-Fox, are both scheduled to appear next Wednesday.

Montague stated that since the policy of favoring independents had been established nationally seven years ago, "we have succeeded very well with it." Independents have paid higher rentals for their films and have given Columbia better advertising, he continued.

When an exhibitor asks for more clearance than Columbia is willing to extend, no sale is made, the sales chief stated. As a matter of fact, he said, Columbia has more difficulty in thrashing out the clearance question between two independents than between affiliates.

"When an independent gets more than one theatre, he thinks he is God's gift to the industry," Montague declared. In that event, an immediate demand is usually made for better clearance, he said.

Most of Columbia's franchises are extended to independents, Montague added, the company offering two and three-year franchises to independents where the theatre is not likely to change hands and no selling difficulties have been encountered with the operator of the theatre.

Sales of a year's product averages 29 units to a theatre owner, Montague declared. Not more than 33 per cent of its accounts order an entire season's product, he continued.

Dividend Is Omitted By RKO Directors

At a meeting of the board of directors of Radio-Keith-Orpheum Corporation yesterday afternoon, the board considered the matter of a quarterly dividend payable May 1, 1940.

Although earned in the quarter by consolidated company, in view of uncertain conditions in the industry, particularly those resulting from the war, the board took no action to pay the quarterly dividend.

Sen. Lundeen Gets Time to Answer Fly

Senator Ernest Lundeen of Minnesota, who introduced a resolution in the Senate for an investigation of the F.C.C., will speak on the NBC-Red, 8:45 to 9 P. M. tomorrow in answer to speech which F.C.C. Chairman James L. Fly made Tuesday over NBC and Mutual. Chairman Fly defended the Commission's supervision over the sale of television receiving sets.

Hearing to Study Television Sales

WASHINGTON, April 4.—Television hearings which open before the F.C.C. Monday will be concerned principally with the influence which may have been exerted upon video research by the adoption of sales promotion plans following the order permitting limited commercialization, it was disclosed today.

In a statement, the Commission expressed the hope that parties who testified earlier that they were engaged in research activities would submit information as to their more recent efforts along that line so that the present situation may be fully disclosed. Such witnesses also will be asked regarding their activities since the Commission's first order and "any changes in the situation as a result of sales promotion."

The question whether Sept. 1 is an appropriate date for starting limited commercial programs will also be considered.

Lawrence Whoops It Up for 'Command'

LAWRENCE, Kan., April 4.—William Quantrill—or Cantrell as he is called in the picture—made his second raid on Lawrence today with the world premiere of Republic's "Dark Command" at the Granada and Dickinson theatres.

A crowd of 5,000 persons at Kansas City this morning saw off the special train carrying Hollywood players, Republic officials and franchise holders and theatre men. Ten thousand persons welcomed the train on arrival here, and the throng grew to 25,000 this afternoon during the three-mile parade. About 300 Midwest film and theatre men were present.

Gov. Payne Ratner of Kansas led the parade. The celebrities rode in historical vehicles.

Both theatres, managed by Stanley Schwahn for the Commonwealth circuit, were jammed for the premiere. Among those attending were James F. Grainger, Republic president; H. J. Yates, president, Consolidated Film Industries; Robert F. Withers, Kansas City Republic distributor; and a Hollywood delegation with Wendy Barrie, Ona Munson, June Storey, Mr. and Mrs. Gene Autry, John Wayne, Roy Rogers and George Hayes.

Among the theatre men were Clarence Schultz of Commonwealth, Kansas City, and Harry Warren of Central States, Omaha.

The celebration included the burning of a replica of the old city of Lawrence in South Park early in the evening. There was a reception at the Country Club after the premiere.

Radio Brevities

A radio column, similar in context to her newspaper articles appearing as "My Day," will be featured by Mrs. Franklin D. Roosevelt when she returns to the air under the sponsorship of Sweetheart Soap, according to agency reports. The program, which will be heard Tuesdays and Thursdays, at 1:15 P.M., will start on a mixed NBC-Red and Blue network of about 30 stations and will be increased to about 40, as time on new stations is cleared. Guest speakers also will appear. The contract is for 13 weeks.

Praise 'Government' Program

The New Jersey legislature this week cited the "You and Your Government" program over WNEW for "meritorious service" over the past six years. The program, on which most New Jersey officials have appeared from time to time, describes the workings of governmental departments.

Personalities in the News

Alec Templeton leaves Hollywood Monday after his broadcast over NBC-Blue for a road tour. . . . Cary Grant and Frank Lloyd will be guests on "We, the People" over CBS Tuesday. The program will originate from Williamsburg, Va., where Grant and Lloyd are on location for Columbia's "Tree of Liberty." . . . Appearance of Ann Sheridan and Humphrey Bogart on "Tune-up Time" has been cancelled. . . . Mark Hawley, John B. Gambling, Ben Grauer and George Hicks are organizing a "Barbershop Quartet" to compete in the World's Fair this Summer. . . .

Marshall Dane, formerly with WIP and W'AL, has joined the WOR announcing staff. . . . Francis Lederer will be heard over Mutual on "Fifth Row Center" at 6 P.M., Sunday.

'Johnny Apollo' On Air

Louella Parsons, film columnist of the International News Service is here from the Coast to appear on the Kate Smith Hour, which will devote 24 minutes to publicizing "Johnny Apollo," 20th Century-Fox film, over CBS tonight.

This will be the climax of a week of "plugs" for the picture on Kate Smith's noon broadcasts this week. Yesterday's program featured Miss Parsons, with Tyrone Power appearing today. Tonight's broadcast, 8 to 9 P.M., will feature John Mitchell, Miss Parsons and Power, as well as Miss Smith. There will be a repeat for Western stations at midnight, completing the coast-to-coast network.

Republic and Union Firm on Studio Wage

HOLLYWOOD, April 4.—Republic executives and union negotiators at a late hour tonight were still deadlocked over demands of Sound Technicians Local 695, I.A.T.S.E., for wage increases. Forty-five sound department employees affected met to discuss a strike call.

Republic has four films shooting and is in the midst of an extensive production program. The union wants a new scale which approximates 54 hours pay for 42 hours work.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

OL. 47. NO. 69

NEW YORK, U. S. A., MONDAY, APRIL 8, 1940

TEN CENTS

U. S. Pledging Thirty British Films Annually

Trade Waits Government Film Plans Today

LONDON, April 7.—It is authoritatively reported here that American companies have guaranteed to produce 30 features annually in England. This is understood on the eve of the board of Trade announcement of Government policy on the film industry, scheduled tomorrow. The failure of the Board of Trade to invite distributor representatives is interpreted variously, but most informed opinion among American companies here believes that it indicates there will be no fundamental change in the present quota legislation. It is also believed likely that the stepping up of multiple quota provisions of the quota will permit and encourage production of big films, possibly costing up to £100,000. Opinion holds also that the chances

(Continued on page 4)

Griffith Takes Over Dickinson Interest

KANSAS CITY, April 7.—H. J. Griffith and Partnership Theatres, Inc., have purchased the 50 per cent interest of Glen W. Dickinson in Griffith-Dickinson Theatres, Inc., retroactive to March 31. The deal gives Griffith and Partnership 100 per cent control of 21 of the houses in Kansas and western Missouri. Two houses, the Dickinson, Lathe, Kan., and Macon at Macon, Mo., have been retained by Dickinson, who also has the Mission Acres Theatre near Kansas City. The Griffith interests purchased the

(Continued on page 4)

J. S. Gets More Time In Crescent Action

NASHVILLE, April 7.—Federal Judge Palmer Davies yesterday granted the government's application for 45 days' additional time in which to file a bill of particulars in its anti-trust suit here against Crescent Amusement Co. and its major companies. The Government's motion was granted "for good cause shown." The original order directing the government to file its bill of particulars was entered here on Feb. 23 after hearing at which the Government opposed the defendants' application for the order.

Reserve Court Room For Trust Suit Trial

William V. Connell, deputy chief clerk of the U. S. District Court, was instructed on Friday by Federal Judge Henry W. Goddard to reserve Room 1306 of the court building from May 1 for the trial of the Government's anti-trust suit against the majors. The reservation is for an indefinite period.

Coast Players Hit Neely Bill in Letter

HOLLYWOOD, April 7.—Twenty-three of the leading Hollywood players have expressed their opposition to the Neely bill in a letter to Rep. Clarence F. Lea, chairman of the House Committee on Interstate and Foreign Commerce, in which the bill is pending. "We are convinced," said the letter, "that this bill is highly harmful to the American screen and against the best interests of the American public." The letter continued: "Anyone acquainted with the making of pictures knows that the advance synopsis section of the bill is an absurdity. It would build a stone wall around production, destroy the experimental progress so vital to the development of the screen and result in pictures

(Continued on page 4)

DEFENDANTS SPLIT 50-50 ON DECREE

Lou Diamond Dies At 47; Paramount Shorts Executive

Lou S. Diamond, 47, in charge of the Paramount shorts department for the last 10 years, died shortly after midnight Friday following a heart attack in the Empire Room of the Waldorf-Astoria Hotel.



Lou S. Diamond

The funeral arrangements will be completed today. The body is at the Riverside Memorial Chapel. Diamond, with Leo Robbins, song writer, and other friends, was attending the opening of Orrin Tucker's Orchestra in the Empire Room and had just finished dancing when he was stricken.

(Continued on page 4)

Selznick, Dietz Discuss Films' Purposes, Merits

By SHERWIN A. KANE

The purpose of the motion picture is to entertain, not to purvey social, political or economic "messages," in the opinion of David O. Selznick.

Expressing himself on a wide variety of industry subjects during a weekend press interview following his arrival from the Coast, Selznick was brought around to the subject of "films of significance" by a reviewer for a New York morning newspaper.

"Motion pictures are entertainment," Selznick said earnestly. "When they are laden with propaganda they become something else and should be so labeled. Then the exhibitor who shows that type of picture should advertise it as a propaganda picture and should put a sign in front of his theatre describing it as a propaganda picture."

"Many pictures are ruined," he said, "by directors striving for a little critical acclaim."

Selznick was questioned at length

(Continued on page 4)

By AL FINESTONE

The best answer to the critics of the screen is that its audience has doubled in the last 10 years, Howard Dietz, advertising and publicity director of M-G-M, told a public relations luncheon of the Advertising Club of New York on Friday.

Dietz was introduced by Edward F. Thomas, who said that whereas in the past film advertising and publicity experts have learned from the methods of other industries, the latter now may take some pointers from the film business.

Discussing the problems the industry faces in dealing with various shades of public opinion, Dietz enumerated "charges" which he said have been leveled against motion pictures.

"Those who say that the screen does not treat crime in an essential manner pretend that if you catch the criminal you solve the problem," Dietz said.

"The critic who takes to task the

(Continued on page 4)

Para., 3 Others Oppose, Four Favor Plan

Despite great pressure from advocates of a consent decree in settlement of the Government's New York anti-trust suit, the line-up of major companies opposed to a decree has remained the same, authoritative sources asserted over the weekend.

The latest report on reactions of the defendant companies to the re-drafted settlement proposals now has them evenly divided numerically—four in favor of a settlement and four against.

Pressure on the so-called "recalcitrant" defendants who oppose the proposed settlement is being exerted, according to report, by high officials associated with the industry and by one or two major executives of companies in favor of the settlement.

It is further reported that even those individuals championing a settlement are still unaware of the Department of Justice's views in the matter, but that they are hoping for the Department's approval.

No individual executive or company representative is authorized to commit his company to a formal agreement on an out-of-court settlement without first submitting the matter to the board of directors for acceptance or rejection, it was said.

It has been definitely ascertained that Paramount is one of the chief objectors to a decree. This company and the other three allied with it in opposition to the proposed settlement

(Continued on page 4)

Nick Resigns Post As I. A. Executive

ST. LOUIS, April 5.—John P. Nick has resigned as first international vice-president of the I.A.T.S.E., it was announced here Friday by Joseph Padway, general counsel of the American Federation of Labor.

The announcement of Nick's resignation followed the restoration of local autonomy to Local 143 of the operators' union by George Browne, I.A. president. Nick was head of the local here until ousted by an order of Circuit Judge Ernest F. Oakley.

Nick resigned as international vice-President because "of illness," said Padway. The attorney and Browne came here to settle the differences between the Nick and anti-Nick factions in the operators' union. Nick's resignation was made in a letter two

(Continued on page 4)

Order Union Vote In W. B. Warehouse

WASHINGTON, April 7.—The National Labor Relations Board has ordered an election, to be held within 30 days, among warehouse employees of Warner Bros. Pictures, Warner Bros. Circuit Management Corp., Producers Settlement Corp., Circuit Settlement Corp., Globe Export Corp. and Vitagraph, Inc., to determine whether they are to be represented for bargaining purposes by the American Federation of Office Employees (A.F.L.).

The two Warner Companies, Circuit Management and Vitagraph, maintain a warehouse at 619 West 54th St., New York, for the purpose of purchasing, shipping and distributing motion picture stills, lithographs, posters, advertising and office supplies, etc., to various branch offices throughout the country. The producers and circuit settlement corporations are disbursing agents for the other companies.

The board's order eliminated Music Publishers' Holding Corp., also in the 54th St. building, from the election on arguments by the union that it had never attempted to organize the employees. The companies had urged inclusion of the music firm.

Heacock, Publicity Man, Dies on Coast

HOLLYWOOD, April 7.—Francis Heacock, 35, Warner publicity man, succumbed early Friday to injuries received Tuesday night when his automobile struck an embankment in Laurel Canyon while he was returning home from a Warner preview.

Given blood transfusions in the Valley Hospital by Jean Parker and Irving Rubine, a fellow-worker, Heacock failed to rally after two days in an oxygen tent. He formerly worked for the Associated Press here and in San Francisco and also on San Francisco and Portland newspapers. He is survived by his widow and three children.

Club Golf June 21

BALTIMORE, April 7.—The local Variety Club, of which J. Louis Rome is chief barker, will hold its third annual golf tournament on June 21 at the Woodhome Country Club here.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES
from

San Francisco, California

Purely Personal

FLOYD ODLUM, head of Atlas Corp., and his attorney, EDWIN L. WEISL, left by plane Friday for California, to spend two weeks or more on the Odlum ranch at Indo.

HARRY F. SHAW, Loew-Poli division manager in New Haven, and Mrs. SHAW have returned from a vacation in Mexico City, where they visited CARLOS NIEBLA, M-G-M exchange manager.

ROY BRUDER, manager of the Chicago Theatre, Chicago, has returned from a vacation trip to Cuba. LOUIS ADRIAN, director of the orchestra at the theatre, is on vacation in Tennessee.

BOB SALOMONS of the cashier department at Warners home office was given a dinner Friday night at the company's dining room in honor of his 25th wedding anniversary.

H. J. YATES, president of Consolidated Film Industries, and JAMES R. GRAINGER, Republic president, return from Lawrence, Kan., today. They spent Saturday in Kansas City.

SIDNEY PICKER, office manager at Republic's New York exchange, has left with his family on a four-week vacation trip to San Francisco, Los Angeles and Honolulu.

WILLIAM PIERCE, assistant to CHARLES R. ROGERS, Columbia producer, is en route to Washington, D. C., from Chicago.

DAVE IDZAL, operator of the Fox, Detroit, has returned there after a New York visit.

LEON NETTER, Paramount home office theatre executive, is expected today from a two-week business trip to Atlanta and Dallas.

LOUIS BERNSTEIN, J. J. MILSTEIN, WILLIAM and LOU BRANDT among those lunching at Lindy's (51st St.) Friday.

EDWIN AARON, assistant to WILLIAM F. ROGERS, M-G-M general sales manager, is back from Florida.

VINCENT SHEEAN, novelist and playwright, and Mrs. SHEEAN sailed for Italy Saturday on the *Vulcania*.

LEONARD GOLDENSON and SAM DEMBOW, JR., are expected back today from a business trip to Ohio.

HENRY FONDA returned to the Coast over the weekend following a 10-day vacation here.

M.P.P.D.A. Board Will Meet Today

An adjourned meeting of the M.P.P.D.A. board of directors will be held today.

Among the matters scheduled to come before the board is M-G-M's appeal from the title registration committee's ruling last week that Columbia's title, "Three Weeks Together," is not an infringement of the M-G-M title, "Three Weeks." The hearing on the appeal was not completed at the board meeting last Wednesday.

RICHARD DE ROCHEMONT, European manager of "March of Time," sailed for Europe on the *Washington* Saturday. Others aboard the boat included FRED W. LAMPE, Continental European manager for Paramount; LEWIS BUDDY, JR., European representative for Paramount News, and Mrs. JOSEPH FRIEDMAN, wife of Columbia's London office chief.

W. A. (AL) STEFFES, Minneapolis exhibitor, returns home today from Florida where he recuperated from a recent illness. He plans to rest on his farm near Minneapolis. PETE HARRISON accompanied STEFFES to Florida.

SALLY SIMON, secretary to Division Manager T. J. CONNORS at M-G-M, returns to work today after a week in Polyclinic Hospital for observation.

HATTIE HELBORN, secretary to NICHOLAS M. SCHENCK, president of Loew's, Inc., returns today from a vacation on the Coast.

CHARLES MCGUIRE and RUSSELL GAUS, M-G-M salesmen in Atlanta and Oklahoma City, respectively, observe birthdays today.

ABE KAUFMAN, head of the booking department of Balaban & Katz, Chicago, is ill in St. Luke's Hospital in that city.

NELSON ROCKEFELLER, president of Rockefeller Center, Inc., and Mrs. ROCKEFELLER left Friday on the *Santa Paula* for Venezuela.

SAM FORMAN, Detroit exhibitor, has returned there after a New York visit.

JOSEPH PASTERNAK returns today to the Universal Studio.

Georgia Ascap Trial Will Start on April 15

Trial of Ascap's action to test the constitutionality of the Florida anti-Ascap law is scheduled to start April 15 before a Federal statutory court at Gainesville, Fla.

Louis D. Frohlich and Herman Finkelstein of Schwartz & Frohlich, Ascap counsel, will leave for Florida today to prepare for the trial. They will be followed later this week by Gene Buck, Ascap president; E. C. Mills, chairman of the administrative committee, and Charles Paine, general manager.

Roosevelt Invited To 'Eater' Opening

President Roosevelt has been invited to attend the world premiere of Paramount's "The Biscuit Eater" at the Albany Theatre, Albany, Ga., on Thursday. The President will be at Warm Springs, Ga., this week.

The invitation has been extended by Mayor W. B. Haley of Albany, and John T. Phillips, head of the Chamber of Commerce. Gov. Rivers of Georgia has invited the governors of four adjoining states, Florida, Alabama, Tennessee and South Carolina to attend the premiere and the accompanying Albany civic celebration.

Bioff Halts Republic Strike in One Hour

HOLLYWOOD, April 7.—One of the shortest strikes in Hollywood history was called and ended in one hour on Friday when William Bioff, I.A.T. S.E. leader now in Chicago, telephoned orders to members of the Sound Technicians Local 695 to go back to work at the Republic studios.

Bioff declared that he personally would handle the local's demands for wage increases, which amount to 4 hours' pay for 42 hours' work, and that he would contact H. J. Yates.

About 45 workers in the sound department walked out during the noon hour and halted production on four pictures, after a deadlock on wage demands. No picket lines were established and they returned to work after Bioff's call. No other crafts participated in the walkout. Members of the six international unions in the basic studio agreement received orders to observe their "gentlemen's agreement" under which Republic pays the same wage scales and has the same working conditions as major studio signatories. The I.A. is not a member to the basic pact.

Picketing Begins As Circus Opens

Picketing by the Circus, Carnival, Fair and Rodeo International Union was begun Friday night as the Ringling circus opened at Madison Square Garden. Refusal by the management to negotiate with the union until it proved that it had a majority of the roustabouts started the picketing.

The union insisted that its membership be re-hired for the season and demanded a closed shop and wages of \$45 monthly, plus maintenance. Meanwhile, the American Guild of Variety Artists announced over the weekend that it had reached an agreement with the circus for recognition as the sole collective bargaining agency for performers. A contract covering wages and working conditions is to be completed within a few days.

The circus opened its new season Friday night to a good sized attendance. There were not many vacant seats. The show, this year, offers 23 displays, besides the menagerie collection. The box-office scale is \$1 to \$3.50. The show opens with a pageant, "The Return of Marco Polo," staged by Max Weldy, and features among others, Alfred Court and his animals.

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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♥ → *Just what Loretta ordered!*

✂ → *Just what the doctor ordered!*



You won't have to
have a doctor in the
house to know it's
**CONTAGIOUSLY
LAUGH-PACKED!**



Just what the exhibitor ordered!

LORETTA RAY
YOUNG ★ MILLAND

The Doctor Takes a Wife

with **REGINALD GARDINER • GAIL PATRICK**
EDMUND GWENN • GEORGES METAXA

Screen play by George Seaton and Ken Englund

Directed by **ALEXANDER HALL** • Produced by William Perlberg

A COLUMBIA PICTURE



Coast Stars Attack Neely Bill in Letter

(Continued from page 1)
being turned out like automobiles on an assembly line.

"The finest, most entertaining pictures we have appeared in have been the ones in which there has been constant revision, gradual shaping of plot structure, compromises to strengthen story values—in other words, exceptional pictures never are cut to a pattern. Under the Neely bill every picture would be cut to a pattern.

"Pictures are made to entertain the public. We do not believe the Congress of the United States would wish to be responsible for the impairment of this service to all the people. In fairness to our industry—we have demonstrated that we can produce, under present methods, truly excellent pictures—the Neely bill should be defeated. We can't see why it was proposed in the first place."

The letter asks that these views be given to the Committee "at the proper time." It bears the following signatures:

Joan Crawford, Fredric March, Edward G. Robinson, Tyrone Power, Don Ameche, Alice Faye, Ralph Morgan, Billie Burke, Conrad Nagel, Jean Hersholt, Joel McCrea, Madeleine Carroll, Bob Hope, Gary Cooper, Joan Blondell, Dick Powell, Eddie Cantor, Robert Taylor, Norma Shearer, Wallace Beery, Ralph Bellamy, Jeffrey Lynn and Joan Bennett.

Lou Diamond Dies Suddenly; Was 47

(Continued from page 1)
and Dr. Emanuel Stern, his physician, was called. Dr. Stern determined Diamond had died instantaneously.

Diamond for many years was in charge of Paramount's music departments, including Famous Music Corp. and Paramount Music Corp. He started in the industry 25 years ago as a bookkeeper for Pathe. He joined Paramount in 1927.

Besides his widow, Celia, survivors include his two sons, Paul, who is with Mercer & Morris, music publishers; Richard, who is with Scientific Films on the Coast; and three sisters, Mrs. Bessie Sperling, wife of Milton Sperling, the screen writer; Mrs. Anna Miller and Mrs. Rose Kaufman.

Griffith Takes Over Dickinson Interest

(Continued from page 1)
50 per cent control of theatres April 1, last year. The name of the corporation will be changed along with three theatres that still carry the Dickinson name. Under the new set-up Ray Higdon comes here and will assist in film buying for all Griffith houses here and in the Southwest. H. J. Griffith said he has no plans at present for expansion of the Kansas-Missouri group of houses.

'Wind' in 1,413 Cities

M-G-M set 21 additional small town engagements of "Gone With the Wind," bringing the total of bookings to 1,552 in 1,413 cities.

Selznick, Dietz Discuss Films' Purposes, Merits

(Continued from page 1)

on the subject of "Gone With the Wind," while United Artists' publicists, who sponsored the interview, looked on with pained expressions or sought manfully to turn the questioning in the direction of Selznick's "Rebecca," which in its own way, is also something of a success story for the producer and United Artists.

Selznick will make at least two pictures for United Artists release next season and said he expected to continue with that company thereafter. His next picture will be "Joan of Arc" with Ingrid Bergman. He said he would like to produce a picture on the life of Christ but had given up "The Nazarene," by Sholem Asch, because of controversial aspects.

Selznick said he would go ahead with his plans for producing Robert Benchley short subjects and would set a distribution deal for the series here this week.

Urges Higher Admissions

The producer advocated higher admissions to offset industry losses from the foreign markets. He maintained that production costs could not be lowered, largely because of high union wages in Hollywood; that the industry must continue to make good pictures, and to be able to do so it must receive more from the domestic market.

"The industry's margin of profit was less than it has lost in the foreign market," he said. "Hollywood is not aware of that yet. Admissions should be increased—at least, for some pictures. It is ridiculous to get the same price for a picture which cost a million or two as for a 'quickie.'"

Asked whether he planned to produce another multi-million dollar picture such as "Wind," Selznick said: "Anyone who spends \$4,000,000 on a picture today is insane. I don't delude myself that it can be done again."

Predicts Fewer Pictures

He predicted that in the near future major companies will be making fewer pictures and independents more, largely because of international market conditions and the gradual elimination of "B" pictures from major company schedules.

He expressed himself in opposition to double features and said that their only justification is that they provide employment in Hollywood.

Queried on the Neely bill, Selznick said it would have less effect on independent producers like himself than on the big companies. However, he said he believed the synopsis clause of the Neely bill will increase the number of bad pictures—"if you can't change your synopsis, it means there can be no improvement in your picture once it's under way."

Selznick said any successful book has the essentials of a successful picture, if producers, directors and writers are kept from trying to "improve" upon the original. Fidelity in translating a successful literary work to celluloid, is the key to a successful picture, he said.

The producer said he believed the adherence to the story in "Rebecca" was even more faithful than in the case of "Wind."

(Continued from page 1)

social position of films is willing to say that he wants a revolution in the the shadow world before he is willing to see a revolution in the actual world. They confuse the world of shadows with Utopia."

It is difficult to establish standards in film public relations, Dietz declared, because the factors relating to public preferences in motion picture entertainment are variable and shifting. He described the Neely bill as a product of "confused thinking on the moral issue."

Young Acquires Pathe Film Stock

WASHINGTON, April 7.—Only five film stocks figured in transactions of officers and directors of corporations in the securities of their companies during February, it was disclosed by the first summary of the Securities and Exchange Commission for that month. The largest transaction was the acquisition of 500 shares of Pathe Film common stock by Kenneth M. Young.

The transactions reported included the disposition, by gift, of 300 Columbia Pictures common voting trust certificates by Jack Cohn, reducing his interest to 31,321; acquisition of 100 shares of General Theatres Equipment common by M. V. Carroll, representing his entire holdings; acquisition of seven shares of Loew's Boston Theatres common by Loew's, Inc., giving the company a total of 100,314 shares; and disposition of 50 shares of Universal Pictures first preferred by Preston Davis, reducing his holdings to 70 shares.

A report on Columbia Broadcast System showed the acquisition of 4,015 shares of Class A stock by Edward Klauber, giving him a total of 5,838 shares, and acquisition of 1,091 shares of Class A by Mefford R. Runyon, increasing his holdings to 1,937.

Nick Resigns Post As I. A. Executive

(Continued from page 1)
weeks ago to Browne, who accepted it without being required to refer it to anyone.

The controversy between the local and Fanchon & Marco remains to be settled. Browne and Padway have conferred with Harry Arthur, operating manager of F. & M. It was said either one of the two will return this week to continue the negotiations. Meanwhile, pickets were withdrawn from the 13 F. & M. theatres, where the union had maintained them for more than six months. Robert Roessel, attorney for the union, said the picket lines would be abandoned pending the negotiations.

'Baby' Appeal Today

ALBANY, April 7.—The Court of Appeals, highest N. Y. State court, will hear final arguments tomorrow in the matter of the banning of "The Birth of a Baby."

Decree Check Finds Defense In Even Split

(Continued from page 1)
are determined to go to trial in the suit on its merits and are pushing their defense preparations determinedly.

One of the settlement proposals which is meeting with marked success is said to be one which gives an exhibitor a prior claim on product if he establishes evidence that his theatre is better than the one operated by his competitor. Industry officials foresee the possibility that "better" may be interpreted merely on the basis of newness, with all other trade considerations ignored in the process of judging.

Sidney Kent to Testify In Suit on Wednesday

Sidney R. Kent, president of 20th Century-Fox, will take the stand on Wednesday in the pre-trial examinations in the Government's anti-trust suit. William Kupper and William Sussman, Western and Eastern sales managers of 20th Century-Fox, also will testify on that day. Nicholas M. Schenck and Charles Moskowitz, president and theatre executive, respectively, of Loew's, are expected to follow the 20th Century-Fox executives.

Present conditions in the film industry make it necessary for a production company to own theatres, Adolph Zukor, chairman of the board of Paramount testified Friday.

Zukor made the statement in repudiating a declaration issued by him in 1918 which had warned producers against entering the exhibition field. Conditions are different now, Zukor stated, since an assured outlet is necessary for the more expensive pictures of the present day. He completed his testimony Friday.

If the public's demand for better films is to be met, Zukor continued, a producer must be protected against curtailment of his market. He rejected Special Assistant Attorney General Robert L. Wright's suggestion that long term franchises might solve that problem.

Franchises have not proven "very satisfactory" in the past in view of the fluctuating quality and number of pictures produced in a season. Zukor scoffed at the Government claim that it was "unethical" for a producer to compete with his customer.

Good showmanship and intelligent advertising are still the determining factors in the successful operation of theatres, Zukor stated. He admitted, however, that affiliates had a competitive advantage in being assured of product from at least one company.

U. S. Guarantees 30 In England Yearly


(Continued from page 1)
of the Film Credit Bank being organized are brighter. It is considered unlikely that a public statement will be made at the Monday meeting.

A Cinematograph Exhibitors Association committee on Friday pleaded at the Treasury Department for a reduction of admission taxes, because of the blackout, war evacuation, emergency problems and the demand by labor for higher wages.

ALL THESE NAMES

**ON YOUR
SCREEN
THIS
SPRING
AND
SUMMER
FROM
RKO-RADIO**

GINGER ROGERS • • • CARY
GRANT • • • IRENE DUNNE
ANNA NEAGLE • • • • JOEL
M^CCREA • RONALD COLMAN
CAROLE LOMBARD • • • • •
CHARLES LAUGHTON • • • •
MAUREEN O'HARA • • RAY
MILLAND • • • • • ADOLPHE
MENJOU • • • • • RAYMOND
MASSEY • • ANNE SHIRLEY
HERBERT MARSHALL • • • •
RANDOLPH SCOTT • • GAIL
PATRICK • ROLAND YOUNG
ALAN MARSHAL • • • • MAY
ROBSON • • BILLIE BURKE
FREDDIE BARTHOLOMEW • •
SIR CEDRIC HARDWICKE • •



The Play That Shocked
New York And Rocked
Broadway With Laughter!

GINGER ROGERS
JOEL M^CCREA

in
PRIMROSE PATH

with
MARJORIE RAMBEAU
HENRY TRAVERS
MILES MANDER
QUEENIE VASSAR
JOAN CARROLL

Screen Play by Allan Scott
and Gregory La Cava

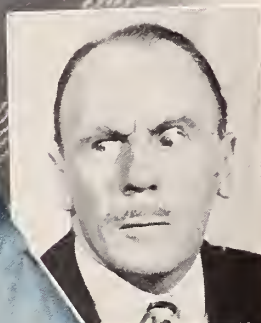
Produced and
Directed by

GREGORY LA CAVA





"In Her Sweet Little Alice
Blue Gown, She'll Be
The Toast of Your Town!"



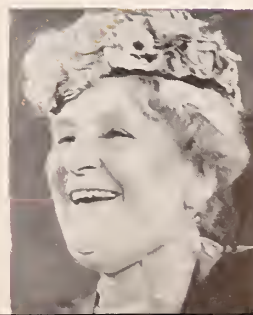
ANNA RAY
NEAGLE • MILLAND

with

ROLAND YOUNG • ALAN MARSHAL
MAY ROBSON • BILLIE BURKE
ARTHUR TREACHER • MARSHA HUNT
ISABEL JEWELL • DORIS NOLAN

PRODUCED AND DIRECTED BY

HERBERT WILCOX



Screen play by Alice Duer Miller.
From the Musical Comedy, "IRENE"
Book by James H. Montgomery.
Music and Lyrics by Harry Tierney
and Joseph McCarthy.

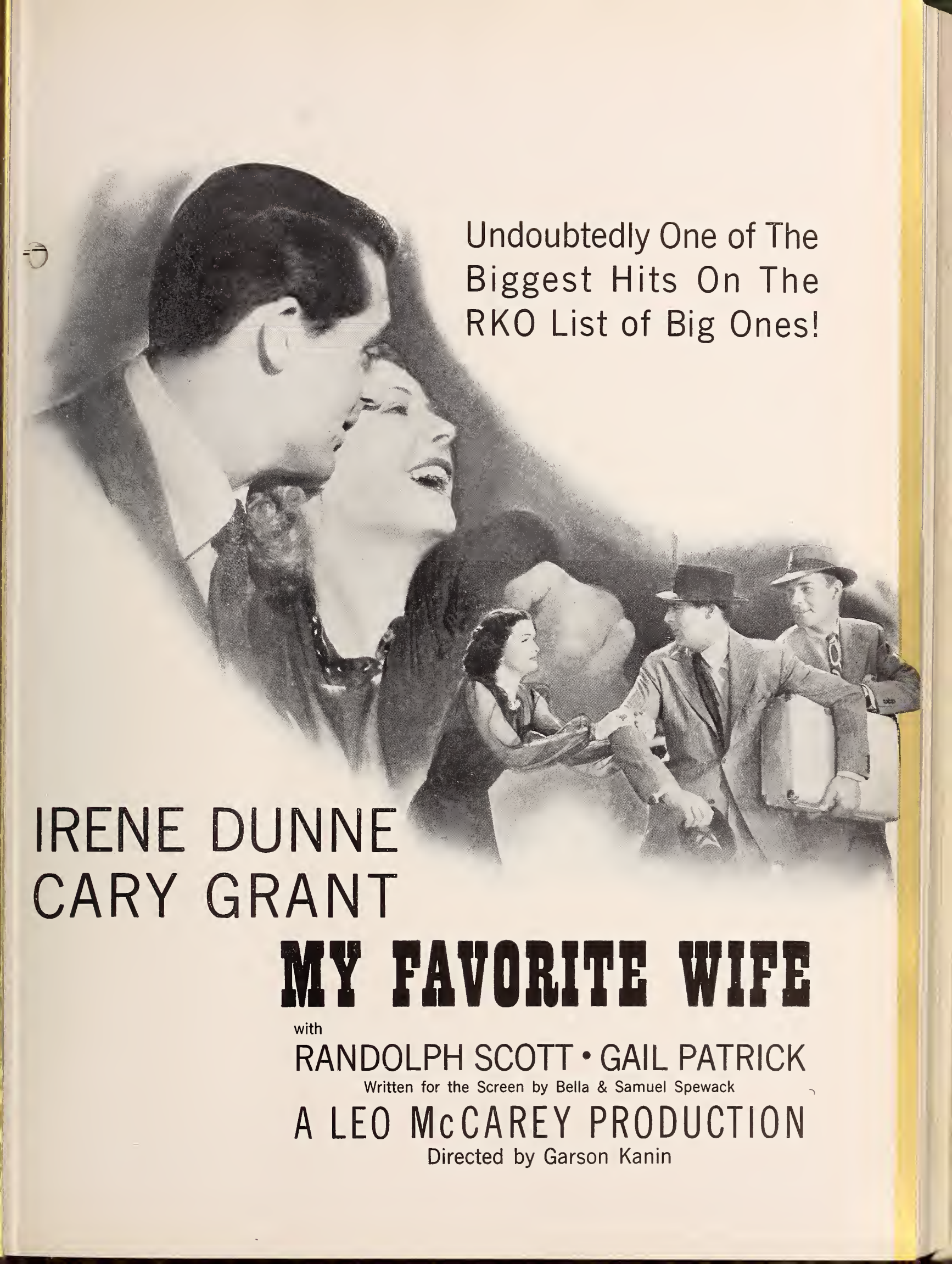
Daringly Themed! Powerfully Acted!
From a Play That Made
New York and London Gasp!



A BILL OF DIVORCEMENT

MAUREEN O'HARA • ADOLPHE MENJOU
FAY Bainter • HERBERT MARSHALL

and DAME MAY WHITTY • PATRIC KNOWLES • C. AUBREY SMITH • ERNEST COSSART
Produced by Robert Sisk • Directed by John Farrow • Screen Play by Dalton Trumbo • From the Play by Clemence Dane



Undoubtedly One of The
Biggest Hits On The
RKO List of Big Ones!

IRENE DUNNE
CARY GRANT

MY FAVORITE WIFE

with

RANDOLPH SCOTT • GAIL PATRICK

Written for the Screen by Bella & Samuel Spewack

A LEO McCAREY PRODUCTION

Directed by Garson Kanin

The Two Stars Above All
Others Your Folks Will
Want To See TOGETHER!



RONALD COLMAN • GINGER ROGERS

LUCKY PARTNERS

(TENTATIVE TITLE)

DIRECTED BY LEWIS MILESTONE

Sidney Howard's Prize-Winning,
Two-Season Stage Sensation

CAROLE LOMBARD • CHARLES LAUGHTON

in

**THEY KNEW WHAT
THEY WANTED**



PRODUCED BY ERIC POMMER • DIRECTED BY GARSON KANIN

One of the Great Best Sellers of All
Time Screened in All Its Wide Appeal!



TOM BROWN'S SCHOOL DAYS

SIR CEDRIC HARDWICKE • FREDDIE BARTHOLOMEW

JIMMY LYDON • JOSEPHINE HUTCHINSON

ERNEST COSSART • GALE STORM • Directed by Robert Stevenson

Produced by GENE TOWNE and GRAHAM BAKER



GENE
TOWNE
presents

**THE
PLAYS
THE
THING**
Production

The Picture Acclaimed By Press and Public
As One of The Greatest Of Our Time!



ROBERT E. SHERWOOD'S PULITZER PRIZE PLAY

ABE LINCOLN IN ILLINOIS

with

RAYMOND MASSEY

GENE LOCKHART • RUTH GORDON • MARY HOWARD • DOROTHY TREE
HARVEY STEPHENS • MINOR WATSON • ALAN BAXTER • Produced by
MAX GORDON • Directed by JOHN CROMWELL • Screen Play by Robert E. Sherwood

Beloved "Anne" Returns In A Story Even
Better Than Her Famed "Green Gables"



ANNE SHIRLEY
ANNE OF WINDY POPLARS

ALL THESE SHOWS



**FOR YOUR BEST PLAYING TIME THIS
SPRING AND SUMMER FROM RKO-RADIO**

Virginia City' Gives Denver Good \$10,500

DENVER, April 7.—Combination of "Virginia City" and "Chump at Oxford" at the Denver took \$10,500. "Adventure in Diamonds," backed by Jimmie Lunceford band on the stage, arrived in \$7,200 at the Denham.

Estimated takings for the week ending April 3:

"The Blue Bird" (20th-Fox)
"Blondie on a Budget" (Col.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$3,500. (Average, \$3,500)
"Northwest Passage" (M-G-M)
"Married and in Love" (RKO)
BROADWAY — (1,040) (25c-35c-40c) 7 days, 3rd week. Gross: \$3,000. (Average, \$2,500)
"Adventure in Diamonds" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, with Jimmie Lunceford band on stage. Gross: \$7,200. (Average, \$6,000)
"Virginia City" (W. B.)
"Chump at Oxford" (U. A.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$10,500. (Average, \$8,000)
"Pinocchio" (RKO)
"Escape to Paradise" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days, 2nd week for "Pinocchio." Gross: \$7,400. (Average, \$8,000)
"Congo Maisie" (M-G-M)
"Bad Little Angel" (M-G-M)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,500. (Average, \$3,500)
"Dr. Ehrlich's Magic Bullet" (W. B.)
"Honeymoon Deferred" (Univ.)
RIALTO—(878) (25c-40c) 7 days, "Magic Bullet" 3rd week. Gross: \$2,200. (Average, \$1,750)

Delay Rogers Drive Week Until April 25

The Will Rogers National Theatre Week has been postponed a week and will begin Thursday, April 25, it is announced by L. E. Thompson of RKO, chairman of the campaign. This was done to permit completion of the one-reel short which will be shown in theatres in conjunction with the drive.

The film will feature Bette Davis, Judy Garland and Kay Kyser. Its title will be "If I Forget You." Warners, Movietone and M-G-M are donating use of their studios.

Irving Caesar wrote a song for the picture, and many others are cooperating. Eastman Kodak, Dupont-Pathe and Filmex-Grauert contributed the raw stock. Distribution will be through National Screen Service exchanges.

MPTO of Virginia To Meet on June 24

VIRGINIA BEACH, Va., April 7.—William F. Crockett, president of the M.P.T.O. of Virginia, has announced that the association has selected the Hotel Chamberlin at Old Point Comfort for its Summer convention on June 24. Sydney Gates, Norfolk exhibitor, is chairman of arrangements, assisted by Graham Barbee, Leo Greenwood and Leonard Gordon.

Frank Carey Dies

LEBANON, Ind., April 7.—Frank Carey, 52, of the firm of Carey & Alexander, operator of theatres in Indiana and Illinois many years, died here of pneumonia following a major operation. He and his brother-in-law, John R. Alexander, owned houses in Lebanon, Attica, Monticello and Rockville, Ind. Carey was a director of Affiliated Theatres, Inc.

Feature Reviews

"Dark Command"

(Republic)

The rough and rowdy, guerrilla-infested Kansas Territory, immediately before and just after the start of the Civil War, forms the vivid background for "Dark Command." Telling the story of the ruthless and ambitious Will Cantrell, who sought to rule the territory by pillage and murder, and the successful fight of Bob Seton, Federal marshal, to rid the country of the band, the film is big-time entertainment with an action base.

It is the kind of picture the whole audience of the screen can understand and enjoy. The guiding hand of Raoul Walsh, director, is always apparent, and nothing is lacking in imparting to the film a sweeping background and that technical competence which adds much to the complete film. Against this turbulent action of the type which has given the perennial western its unending popularity, is a dominating romance. At the three points of the triangle are Cantrell, Seton and the daughter of a southern banker and aristocrat with whom both men are in love.

The cast could not have been more properly selected. John Wayne offers his usual easy performance as the young marshal from Texas; Claire Trevor is excellent as the Southern girl, and Walter Pidgeon, as the Kansas school teacher whose dreams of power lead him to murderous raids, is splendid. Able support is contributed by Roy Rogers, as Miss Trevor's brother; George Hayes, as the elderly "Doctor" who aids Wayne; Marjorie Main, as Cantrell's mother, and Porter Hall, as Miss Trevor's father.

Grover Jones, Lionel Houser and F. Hugh Herbert prepared a skillful screenplay, based on a novel by W. R. Burnett. Jan Fortune did the adaptation. Sol C. Siegel was associate producer.

Highlighting the film are the raids of the guerrillas, dressed in stolen Confederate uniforms, the escape by wagon of Wayne and Hayes from a Cantrell ambush, and the burning of Lawrence, Kan., by the marauding band, defended by a handful of militia under Wayne.

It is action entertainment, salable anywhere to any audience.

Running time, 94 minutes. "G."* CHARLES S. AARONSON

"Ma, He's Making Eyes at Me!"

(Universal)

HOLLYWOOD, April 7.—A comedy with music, "Ma, He's Making Eyes at Me!" is the story of an advertising man for an exclusive Manhattan dress shop who conceives the idea of popularizing the clothes with less expensive editions. He hires a showgirl to become "Miss Manhattan," and, as sales boom, he hires a young man to become "Mr. Manhattan." The crowning idea to this exploitation stunt comes when the ad man arranges a marriage between the two, but before that happens, he realizes that he loves the girl and marries her himself.

Tom Brown and Constance Moore play the leading roles, with support by Richard Carle, Anne Nagel, Jerome Cowan, Elizabeth Risdon, Fritz Feld, Larry Williams, Frank Mitchell, Peggy Chamberlain, Vivien Fay and Marie Greene and her Merry Minstrels. Three songs are used—one, from which the title is taken, "Ma, He's Making Eyes at Me!" by Con Conrad and Sidney Clare; "Unfair to Love," by Frank Skinner and Sam Lerner, and "A Lemon in the Garden of Love," by Richard Carle and M. E. Rourke.

Charles Grayson and Edmund L. Hartmann adapted the Ed Sullivan story. Harold Schuster directed this Joseph G. Sanford production in competent fashion.

Running time, 62 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Pa. Censor Board Holds Up 'Typhoon'

PHILADELPHIA, April 7.—A report that the Pennsylvania censor is holding up Paramount's "Typhoon" was confirmed by Mrs. Edna R. Carroll, censor head. The Board has been viewing the picture for two weeks now and Mrs. Carroll would not disclose the objectionable features.

However, it is not likely that the picture will be banned in its entirety, according to Mrs. Carroll. The Board has approved "The Primrose Path," although it has not opened locally yet.

Vineland Trust Suit Postponed to May 6

PHILADELPHIA, April 7.—David Bachman, appointed special master in the Landis Theatre of Vineland, N. J., anti-trust suit against Warner Theatres and the major distributors has given both sides until April 8 to produce all their real estate and booking papers, records and clearance sheets.

As a result, the final hearing on the case scheduled for that date before Judge William H. Kirkpatrick in Federal Court has been postponed until May 6.

Mexico Union Offer Refused By Producers

By JAMES LOCKHART

MEXICO CITY, April 7.—Producers are not wholly satisfied with the offer of the Cinematographic Workers' Union to aid production by taking pay half in cash and half as shares of producer profits. However, some distributors and studio and laboratory owners like the plan well enough to agree to generous producer credit.

Objecting producers hold that the offer does not mean half-pay, but that the profit-sharing plan is merely a deferred charge against production. Some imply that debts thus entailed by producers before long would equal the value of the companies, which might result in the unions taking over the producing organizations in liquidation of the obligations.

Several producers have indicated their belief that a straight 25 per cent wage reduction would be the best aid, but the unions refuse to consider wage reductions.

Sharp under-selling by Argentine producers as a means of getting an edge in Mexico is annoying American distributors and Mexican producers. The Argentine distributors are offering product at rates far lower than they charge elsewhere.

Question Hammons On Educational Deal

Earle Hammons, former president of Educational Films Corp. of America, was questioned on Friday at a hearing before Referee John E. Joyce on interrelated transactions between Educational and Grand National Pictures. Terms received by Educational for leasing its films to distributors were also discussed. Hearings were adjourned to April 22.

De Luxe Laboratories served notice that it will apply on Wednesday for a ruling to vacate the nomination of William S. Brown as trustee of Educational Films. The application attacked the designation on the ground that De Luxe had not been allowed to vote as a creditor of the company.

Wisconsin Game Ban Appeal Is Prepared

MADISON, Wis., Apr. 7.—Chief Justice Marvin B. Rosenberry has signed papers which pave the way for an appeal to the U. S. Supreme Court against a Bingo injunction granted Charles W. Trampe, Milwaukee exhibitor, to restrain the Bahn Frei Hall in that city from operating Bingo.

The appeal will be based on the contention that the injunction, originally issued by Circuit Judge Charles L. Aarons in Milwaukee, violates the sixth amendment to the United States Constitution.

RKO Signs Raymond

HOLLYWOOD, April 7.—Gene Raymond will return to the screen via RKO, with which he has signed a new contract. He will be co-starred with Wendie Barrie in a Cliff Reid production.

Tips on Exploitation

Paper Runs "Rebecca" Serial in St. Louis

St. Louis, April 7.—For "Rebecca," Loew's State arranged with the St. Louis *Star-Times* to run the novel in serial form. Office ads, numbering more than 5,000 lines, plugged both the film and the serial. James Harris, exploitation chief, has also arranged with the *St. Louis Post-Dispatch* to publish in serial form "My Son, My Son," hitting about the same time that the picture will play here.

Letters to Electrical Firms on "Tom Edison"

KANSAS CITY, April 7.—For "Young Tom Edison" John McManus of Loew's Midland sent out 200 letters to electrical firms for use on their bulletin boards; arranged with Ediphone Co. to distribute 1,500 booklets, "Inspiration to Youth," and arranged with Western Union for 26 window displays of the giant wire from R. B. White, Western Union president, to Louis B. Mayer of M-G-M.

Para. College Queen Contest Under Way

Five prominent artists and illustrators will serve as judges of Paramount's All-American College Queen contest now under way in universities and colleges throughout the nation. From photographs of entrants McClelland Barclay, Russell Patterson, Jaro Fabry, Dean Cornwell and Armando will select a representative from each state. From the 48 girls chosen, 12 will be selected to attend the world premiere of "Those Were the Days," Paramount's comedy of college life, at Galesburg, Ill., on May 21. Knox College, the "Old Siwash" of the story, will be host. One winner will get a screen test.

Jingle Contest Aiding "Pinocchio" in Philadelphia

PHILADELPHIA, April 7.—A "Pinocchio" jingle contest to herald the coming of "Pinocchio" was promoted by the Stanley Theatre in conjunction with the "920 Club" programs on WPEN. The jingles to be completed by radio listeners had the picture characters for a theme. Free passes were awarded.

Coloring Contest Helps 'Blue Bird'

SEATTLE, April 7.—For the opening of "The Blue Bird" at the Music Box, Manager Ron Kelley arranged a tieup with the Seattle *Star* on a children's picture-coloring contest. Each day for five days the *Star* published an outline drawing made from a still from the film, with full information about the picture. Prizes were awarded.

Exhibit Original 'Pinocchio' Drawings

Original drawings of "Pinocchio" in water colors, pencil, crayon and oils will be exhibited in three New York art galleries starting today and in about 50 cities subsequently. New York showings will be at Julien Levy galleries, East 57th St.; Arthur Harlow, Rockefeller Center, and at the Kennedy Galleries, 785 Fifth Ave.

Critics' Quotes . . .

"BROADWAY MELODY OF 1940" (M-G-M)

One of the pleasantest musicals to come out of Hollywood in a long time . . . replete with good music by Cole Porter, gag lines and situations that really come off, and Frank Morgan.—Lee Mortimer, *New York Daily Mirror*.

Superior to the last edition. . . . It may be just another "Broadway Melody," but with Astaire and Porter to give it wit and point, it seems much more convincingly Broadway, and much more than usually melodious.—*New York Times*.

They (Astaire and Powell) dance brilliantly; Cole Porter's music is worthy of his genius; the settings and costumes are as striking and effective as any we've ever seen, and Norman Taurog has kept the pace reasonably brisk . . . less rewarding than Metro's great musical, "Babes in Arms."—Robert W. Dana, *New York Herald Tribune*.

A gay and lively musical film, distinguished by the most graceful and intricate tap dancing yet seen on the screen.—Kate Cameron, *New York Daily News*.

The kind of merry musical movie which can't miss with the fans.—Irene Thirer, *New York Post*.

Contains all the ingredients that make for effervescent screen entertainment.—Frank Conniff, *New York Journal American*.

A pleasant show, light, melodious, with some laughs and lots of expert dancing. Both Murphy and Astaire are tops at hoofing, and this is a film for hoofers.—Eileen Creelman, *New York Sun*.

A pretty good musical comedy made to seem even better than that by a first rate cast and some exceptional direction . . . gay and sparkling entertainment.—William Boehnel, *N. Y. World Telegram*.

"REBECCA" (Selznick-U.A.)

A "best movie" on a number of counts. . . . "Rebecca" is recommended to one and all as tops in screen entertainment.—Kate Cameron, *New York Daily News*.

An altogether brilliant film, haunting, suspenseful, handsome and handsomely played. . . . Hitchcock was fortunate to find himself in such company but we feel they were doubly so in finding themselves in his.—Frank S. Nugent, *New York Times*.

It is not only a pleasure, but a duty, to recommend this picture to all playgoers. . . . Although this is one of the longest pictures ever to come out of Hollywood, excepting Selznick's "Gone With the Wind," the story is so gripping and enthralling that the end comes only too soon.—Lee Mortimer, *New York Daily Mirror*.

A fascinating but disappointing film . . . has had expert work lavished on it, but it should have been made either a psychological study or an out-and-out melodrama. Mixing the two forms has resulted in a far from satisfying motion picture.—Howard Barnes, *New York Herald Tribune*.

Handsome, even brilliant, adaptation . . . it is remarkable for its method of building suspense.—Laura Lee, *Philadelphia Bulletin*.

Belongs to the limited aristocracy of screen thrillers.—Henry T. Murdock, *Philadelphia Ledger*.

Presented with telling force . . . the picture weaves about us a spell which it keeps us under throughout the entire unreeling.—Dorothy Guinan, *Philadelphia News*.

For more than two hours yesterday, a spellbound audience watched a drama in which the leading character never appears . . . a pathological, psychological ghost story.—Mildred Martin, *Philadelphia Enquirer*.

"Rebecca," the film, is better than "Rebecca," the novel. The reason is Alfred Hitchcock's direction.—Elsie Finn, *Philadelphia Record*.

Surpasses the usual limits of screen drama . . . a greater triumph for David O. Selznick than even his epic, "Gone With the Wind" . . . entertainment with a high I. Q.—Dorothy Kilgallen, *New York Journal American*.

The best film to come out of Hollywood so far this year. . . . Hitchcock brings to this narrative of love and death, blackmail and deceit, just the right humor, pathos, surprise, and the result is thrilling entertainment.—William Boehnel, *New York World Telegram*.

"ROAD TO SINGAPORE" (Paramount)

It's a lively, likeable film that makes excellent use of the Crosby-Hope talent for prankish, under-keyed comedy.—Mildred Martin, *Philadelphia Enquirer*.

Bob Hope and Bing Crosby form an ace minstrel team. Their glib, easy and amusing style makes "The Road to Singapore" one long uninterrupted chuckle.—Elsie Finn, *Philadelphia Record*.

A broad colorful highway spotlighted with enough belly-laughs, wisecracks and sparkling comedy to fill several good films.—Dorothy Guinan, *Philadelphia Daily News*.

It's faster and funnier, if we may coin a phrase, than any recent cinema fluff, but it's funny.—Laura Lee, *Philadelphia Bulletin*.

The net is good entertainment . . . not the fastest, most energetic comedy ever made but it has the kind of humor which bubbles and it offers the invitation to relax.—Ollie Wood, *Philadelphia Ledger*.

It starts off funnily enough; very funnily in fact. Somewhere (along about Dorothy's entrance, we think) it goes awry, and laughs get fewer and fewer.—*Boston Herald*.

The whole business is lots of fun and nonsense and a certain cure for that Spring fever, since it requires no concentration. . . . Hope and Crosby prove themselves a bang-up comedy team.—*Boston Daily Globe*.

As a comedy team, Bob Hope and Bing Crosby are tops . . . there are really lots of funny lines and gags.—*Boston Post*.

Short Subject Reviews

"Swing with Bing"

(No release set)

HOLLYWOOD, April 7.—"Swing with Bing," a 13-minute subject (U) produced and produced by Herbert Pollock, is chock-full of exploitation possibilities starring Bing Crosby and a score of more of leading professional and amateur golfers, as well as other athletes. Made against a background of the fourth annual Rancho Santa Fe Professional golf tourney, which Crosby sponsored, the offering has Crosby singing an original song, "The Little White Pill on the Little Green Hill," by John Burke and James V. Monaco introduces the various sports celebrities, and for comedy has Arthur Q. Bryan, of the "Grouch Club" radio program. John Scott Trotter and his Divot Diggers supply the music, with Roger Keene narrating.

"Information Please, No. 7"

(RKO-Pathé)

The usual array of experts, with Clarence Budington Kelland as the guest this time, are subjected to less brain exertion in this one as the questions come in the form of identification of costumed characters and photographs. Quips by Levant and the cleverly devised method of questioning bring the short up to standard. Running time, 10 mins.

Film Alliance Plans To Release 50 Here

A program of 50 British pictures will be released here by the Film Alliance of the U. S., according to Nat Wachsberger, executive vice-president, who arrived late last week from Europe. Twenty-three of these have been completed, he added.

Wachsberger said he also arranged to acquire remake rights to 23 French features. The company plans to start production in Hollywood soon and to enlarge its distribution setup, establishing its own exchanges in some centers, he said.

Among the British films is "Let George Do It," anti-Nazi comedy featuring George Formby, which was produced by Michael Balcon for Associated Talking Pictures.

Select Plans 25-30 Films Next Season

Select Attractions, Inc., is expanding, with deals in progress which will give the company a program of between 25 and 30 features, according to Joseph Plunkett, vice-president.

Now distributing through franchise owners, Select plans to have its own exchanges in 12 territories by June, said Plunkett. Negotiations are on with Bernard P. Arons to produce six pictures. A deal has been closed with Charles J. Hirliman for the release of "Wrath of Jealousy."

Matty Radin, former operator of the Cameo Theatre, has been appointed New York franchise owner.

Double Crossed

Kansas City, April 7.—After advising first run theatre managers to appear at a certain time if they wished to protest, the City Council granted the National Walkathon Derby Co. a permit for a 12-week stretch at Pla-Mor 45 minutes before the time set for theatremen to appear. It sent John McManus, manager of the Midland; Jerry Zigmond of the Newman, and F. E. Ritter of the Uptown Fox Midwest away talking to themselves.

F. P. Canadian Elects All Officers at Meet

TORONTO, April 7.—Officers and directors were reelected at the shareholders' meeting of Famous Players Canadian Corp., in Toronto, when reports for the past year were adopted, President N. L. Nathanson declaring that receipts for the first three months of 1940 were highly encouraging. He referred to the prospect of increasing taxation because of the war, declaring the corporation profits tax had represented an increase of approximately 38,000 even in 1939. Net profit for the fiscal 12 months was \$904,324, down slightly from 1938, but the financial position of the company had improved.

J. J. Fitzgibbons was reelected vice-president and directors include Barney Alaban, Y. F. Freeman, Hon. W. D. Ross, F. B. McCurdy, A. E. Dymont, P. Holt, T. J. Bragg and R. W. Holstad. Balaban attended the meeting.

Schaefer Heads Film Drive for Yeshiva

George J. Schaefer, RKO president, as named chairman of the Motion Picture Industry Scholarship Fund of Yeshiva College over the weekend. The fund will seek to raise \$5,000 for the education of refugee students at the college.

The fund was begun last year under the chairmanship of W. G. Van Casmus, managing director of the Music Hall. Funds raised by the industry provided for the tuition and maintenance of 10 refugees last year.

Havana Bans 'Beast'

HAVANA, April 7.—"Hitler, Beast Berlin," an American film, was taken off the screen of the Comedia theatre here on Friday following a strong protest by the German Minister to the Cuban State Department. The film had been previously approved by the censors. It was shown here under the title "The Modern Inquisition."

Chicago Banned Seven

CHICAGO, April 7.—The Chicago censor board rejected seven of 411 features during the first three months of this year. Thirteen films were given adult certificates and the board made 10 cuts in films. A total of 1,828,000 feet was reviewed.

Roosevelt, Mills Sign

CHICAGO, April 7.—James Roosevelt signed a contract with the Mills Novelty Co. over the weekend, to provide shorts for coin film machines. Starting June 1, Roosevelt will supply 300-foot subjects weekly.

F-M Frequency Allotment Facing Delay Until May 1

Decision on permission for commercial programs on frequency modulation stations and allotment of frequencies probably will be delayed until May 1, according to F-M proponents who have returned from Washington after the hearings. The television hearings which start today are expected to delay the F-M verdict.

F-M broadcasters sought the band from 30-50 m.c., and the consensus among them appears to be that the 41-50 band definitely will be granted to F-M, with a good chance that the entire 30-50 frequencies will be assigned to them. This would mean that RCA would lose the number one channel for television, 44-50 m.c., and the hearings which start today may have considerable effect on the commission's decision.

At any rate, unless the commission assigns an F-M channel immediately adjacent to the present 41-44 band, all the present F-M sets will be useless as far as getting any broadcasts from the new bands are concerned. Unlike the television receivers, the F-M sets are not equipped to cover a broad range in the higher frequencies.

The frequencies issue is the only one on which any opposition was presented. Requests for commercial programs and permission for higher powered stations up to 50,000 watts were unopposed.

Meanwhile, WOR, which operates W2XOR on F-M, was delighted with the reception during the sun spot bombardment and the first of the spring storms. F-M reception was, of course, unaffected. W2XOR has increased its operating schedule to 15 hours daily, from 9 A.M. until midnight.

Personalities in the News

Milton Berle, Teddy Hart and William Lynn will appear in a radio dramatization of "Three Men on a Horse" during "Command Performance" over Mutual on Friday at 9:30 P. M. . . . Anita Louise will appear on "Hollywood Playhouse" over NBC-Red on Wednesday at 8 P. M. . . . Betty Jane Rhodes will replace Martha Mears as vocalist on "It Happened in Hollywood" for two weeks beginning April 15. The program is heard Mondays through Fridays at 5:30 P. M. over CBS. . . .

Yvette, NBC songstress, who has just completed a short for Paramount, steps into another medium on Wednesday when she makes her television debut over W2XBS. . . . Edward G. Robinson will receive an award from the National Safety Council on Thursday in recognition of his radio activities in behalf of accident prevention. The bestowal of the award will be carried by CBS at 10:45 P. M. . . .

Talent Quest Ends in Week

"Uncle Don" will end his third annual talent quest for the boy and girl in the metropolitan area with the best screen possibilities next Monday with 20 contestants vying for the honor. Prizes are roles in a forthcoming Monogram production and an air trip to Hollywood via United Airlines. The show will last from 3 to 6 P. M. and will be broadcast from the Mutual Playhouse.

Heading the list of judges are W. Ray Johnston, Monogram president;

Scott R. Dunlap, vice-president in charge of production; Louis Lifton, director of advertising and publicity; Stan Lomax, WOR sportscaster, and Dave Driscoll and Alvin Josephy of the Mutual special events department.

Program Notes

A series of dramatic programs based on stories published in Story Magazine will be presented over WHN on Tuesdays at 9:30 P. M., with the initial program scheduled for this Wednesday. Rex Stout, the author, will be guest of honor on the first show, John Gunther on the second, and different authors each week thereafter. It will be a sustainer. . . .

Music and artists of all nations will be featured in a new WEVD show, "The Musical Melting Pot," which will be heard Fridays at 10 P. M. . . .

Ben Bernie will introduce a new quiz in the form of a musical mock trial over CBS this Wednesday. Prosecution and defense will plead their cases with the use of songs and the jurors will be required to identify the tunes. . . . "Here's a Job," a program devoted to vocational guidance for the unemployed will replace "The Voice of the Unemployed" over WCWV tonight at 9. Humanity Guild is directing the program. . . . Radio Television Institute of New York has signed a 13-week contract for participations in the Johnny Prentiss "Houseparty" show over WHN. . . . Emil Lengyel, foreign correspondent, will join Mirko P. de Dominis, Yugoslav journalist, in a weekly series, "This Week in Europe" over WEVD on Tuesdays at 10 P. M., starting next week. . . . General Foods will sponsor "Young Dr. Malone" over 69 CBS stations, starting April 29. It will be heard Mondays through Fridays at 2 P. M. Benton & Bowles is the agency.

No Mid-Day Rest for Taylor

The mid-day hours, from 12:30 to 2 P. M., are generally devoted to rest and lunch, but Reese Taylor has adopted one of the most hectic schedules for those 90 minutes in the CBS Chicago studios. At 12:30, he appears in "The Romance of Helen Trent," at 12:45, he gets in a half-hour rehearsal on "Right to Happiness" and goes on the air with that show at 1:30. At 1:45 he dashes for another studio, where he appears in "Road to Life" at 1:46.

Plan Television Exhibit

PITTSBURGH, April 7.—A greatly enlarged television exhibit will be featured at the eighth annual Allegheny County Free Fair, Commissioner John J. Kane announced here. In 1939, the television installation by KDKA recorded more visitors than any other attraction. Colored motion pictures of public work projects in the county will also be shown on a huge outdoor screen.

Slater Elected Mayor

KANSAS CITY, April 7.—H. N. Slater, who operates the Rialto at Smithville, Mo., was elected Mayor of that city in the recent election. The defeated incumbent had been mayor 16 years.

DuMont Offers Video Set Safe From Changes

Allen B. DuMont Laboratories undertook over the weekend to market its television receivers with unconditional guarantees against obsolescence. The move is expected to have considerable significance at the F.C.C. hearings on video which start today in Washington.

In a letter to all DuMont dealers, it was pointed out that television standards have not yet been adopted, but that standards might be set within a year. DuMont is therefore guaranteeing that it will make all changes in the present sets necessitated by any change in standards, free of charge up to Jan. 1, 1942, and at cost, thereafter.

Defending the F.C.C. action against the present sales promotion plans, Allen B. DuMont, president, declared that present television images "can be made far better," especially in the field of special events and sports. At only a slightly higher manufacturing cost, he said, DuMont is manufacturing flexible receivers which can receive from 400 to 900 lines, at from 15 to 30 frames per second.

DuMont declared that the synchronization of transmitter and receiver can now be improved, and that the retentive quality of the screen can be increased to eliminate flicker even at 15 frames per second. He said that the frequency band could be cut from six m.c. to four, or less, by some improvements, but recommended the retention of the present six m.c. band to permit greater refinements in the image.

DuMont Reports 1939 Net Loss of \$95,105

Allen B. DuMont Laboratories reported a net loss of \$95,105 during 1939. Assets totaled \$706,758, of which \$345,018 represents cash on hand or in banks. Fixed assets are valued at \$100,570, and patents and patent applications at \$89,174. Net sales during the year were \$117,010. Cost of sales, before deductions for extraordinary manufacturing expenses, was \$85,577, the latter expenses were \$22,717, and general, administrative and selling expenses were \$88,261, resulting in an operating loss of \$79,546.

Allen B. DuMont, president, declared that increased volume of sales of television receivers and experience gained during the past year should provide "a much better showing this year." W2XVT, the company's television station was on the air approximately 400 hours last year for test purposes.

Brokers to Launch Ticket 'Strike' Today

Associated Theatre Ticket Agencies, organization of independent brokers, are scheduled to move into the first phase of their "strike" against the League of New York Theatres today when tickets for "The Man Who Came to Dinner" will be refused by the brokers.

The stoppage is due to be extended to all Broadway houses next week for a period of two weeks. The League, in turn, has threatened to revoke all allotments to independent brokers if the stoppage is carried out.

'Biscuit Eater' Gets National Radio Tieups

ALBANY, Ga.—Radio broadcasts will play a huge part in giving national prominence to Paramount's world premiere of "The Biscuit Eater" at the Albany Theatre here on April 11, it was revealed today.

In addition to the national Vox Pop program with Parks Johnson and Wally Butterworth which the Columbia network will broadcast from here on the night of the premiere, several other air shows have been arranged. Radio Station WSB, the 50,000-watt NBC outlet owned by the Atlanta Journal, has sought permission to run a special line to this city to enable a commentator to describe the huge Civic Pride Parade, a highlight of the premiere ceremonies designed to show the nation the extent of Albany's recovery from the January tornado which devastated the town. Station WATL, Mutual outlet in Atlanta, will carry a special program on the opening and release it to the entire Mutual network.

Plans are now being formulated for Station WGST, CBS outlet in Atlanta, to release a nationwide broadcast of Enoch Light and his Hotel

Official Proclamation

ALBANY, GA.—April 11, by proclamation of Governor E. D. Rivers, will officially be "Biscuit Eater Day."

Governor Rivers, realizing statewide interest and benefits, issued his proclamation to the press of all Georgia. It follows:

"Whereas: The City of Albany has been signally honored and is being chosen as the locale of the motion picture version of the story 'The Biscuit Eater' and also is to witness the world premiere of the said motion picture on April 11; and whereas honor is thus reflected upon the entire state of Georgia; and whereas the said motion picture is described as containing some of the most beautiful scenery in Georgia, surpassing exteriors of most other motion pictures, thereby bringing excellent advertising and good will to Georgia; Now, therefore, be it ordered that April 11 be, and it is hereby designated and proclaimed 'Biscuit Eater Day' in Georgia, upon which the people of Albany in particular and the people of all the state in general be and are hereby requested and urged to participate, wherever possible, in the premiere of 'The Biscuit Eater' and all attendant features of the celebration; and be it further ordered that the city of Albany be, and it is hereby extended, the official felicitations of the State Government of Georgia and all its people. And it is so ordered this first day of April, 1940. Signed E. D. Rivers, Governor."

Governor Rivers plans to attend "The Biscuit Eater" festivities at Albany, on April 11.

Taft orchestra playing at a charity ball arranged by the local Hospital League following the premiere. In addition to the foregoing radio tie-ups full coverage to all events connected with the opening of "The Biscuit Eater" will be given by the local station, WGPC. (ADV.)

Benny Premiere in N. Y.

HOLLYWOOD, April 7.—Paramount's "Buck Benny Rides Again" will have its world premiere at the New York Paramount on April 24. Jack Benny, Ellen Drew and other members of the cast will attend with Mark Sandrich, producing director. (ADV.)

More Than 300 To Attend Ga. Film Premiere

That more than 300 prominent exhibitors and newspapermen will be in Albany, Ga., for the world premiere of Paramount's "The Biscuit Eater" on April 11, was indicated by a acceptance poured in from Southern and Eastern states.

Among the leading theatre operators who will be on hand for the opening at the Albany Theatre and attendant festivities are William K. Jenkins of the Lucas-Jenkins Circuit; R. B. Wilby of the Wilby-Kince chain; M. A. Lightman of the Malco Theatres, Memphis; Mrs. Alma King, theatre executive of Brunswick, Ga.; Clark Gurley of Bainbridge, Ga.; Joe Schmidt of Valdosta, and R. H. Dunn of Camilla.

'Eater' Immortalized

Paramount's "The Biscuit Eater" is to be immortalized in a song entitled "The Biscuit Eater Swing," written by Mrs. D. Mercer Sherman, socially prominent Albany, Ga., tune smith. Five couples are being drilled to dance the number at a charity ball immediately following the premiere at the Albany Theatre. (ADV.)

"THE BISCUIT EATER"



All things point . . .

to Albany, Georgia...where on April 11, that fair state sees the biggest doings since G. W. T. W.—the world premiere of the 'year's most unusual picture, Paramount's "THE BISCUIT EATER." Released Nationally May 24th!



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OL. 47, NO. 70 NEW YORK, U.S.A., TUESDAY, APRIL 9, 1940 TEN CENTS

British Quota Continuing On Footage Basis

but U. S. Interests Seek Monetary Base

LONDON, April 8.—Sir Andrew Duncan, president of the British Board of Trade, told film interests today that the Films Act of 1938, which embraces the current quota regulations, will continue to operate. This reassurance is in line with indications current for some time relative to the Government's plan on film industry legislation, and sets at rest much of the speculation which the uncertain situation caused by the war, developed. The continuation of the quota will mean an immediate impetus to British independent production, and is expected to meet a cordial reception on that score. However, it is understood from authoritative sources here that American interests expect a realization of the Government promise substantially to alter the form of the quota, from footage to a monetary basis. It is the general belief that while some form of quota obviously is to be retained, discussions will be held looking to the best application of the quota principle under the present difficult war conditions.

J. Ludwig Quits Minnesota Circuit

L. J. Ludwig has resigned as general manager of Minnesota Amusement Co. to enter the film advertising business. No successor has been announced and it is not likely that the post will be filled for some time to come, according to Paramount home office officials. Leonard Goldenson and Sam Deming, Jr., Paramount home office theatre executives, will leave for Chicago tomorrow night and will meet Ludwig and John J. Friedl there for business conferences. Friedl is head of Minnesota Amusement Co., which is a wholly-owned Paramount subsidiary. Ludwig's resignation is effective April 15. No stock transfer or contact settlement is involved in his resignation. Indications are that a deal with Ludwig's new film advertising company will be closed by Minnesota Amusement this week.

Hearing Tomorrow to Decide On Senate Inquiry of F. C. C.

Washington, April 8.—Chairman Wheeler of the Senate Interstate Commerce Committee tonight announced a hearing on Wednesday on the Lundeen resolution to investigate the F.C.C.'s action on television with a view to deciding whether the committee will approve the probe. F.C.C. Chairman James L. Fly has asked an opportunity to be heard before the committee acts. It was also announced that an invitation had been sent to David Sarnoff, R.C.A. president, to present his side of the controversy. Senator Lundeen demanded the investigation as a result of the commission's action revoking its original order to permit limited commercial programs over television on Sept. 1. The commission criticized the industry for its promotional campaign in connection with the sale of television receivers.

French Directors Signed For Production in Rome

Three Will Make French Films Under Italian Sponsorship

Three of France's leading film directors have been signed to produce in Rome, and several films are scheduled for production in French at Cinecitta there. This is a result of the war situation, which has prevented the Paris studios from resuming production on a normal scale, it is reported by Nat Wachsberger, executive vice-president of Film Alliance of the U. S., who returned last last week from Europe.

Renee Claire is scheduled to make two films in Rome and Jean Renoir and Julien Duvivier one each, said Wachsberger. What might have developed into a flight of a large part of French production talent to Rome appears to have been halted through the efforts of the French organized industry, and the French expect not more than 10 French films to be made in Rome this year. A number of French players are reported to be in Rome.

The Italian Government, which subsidizes production, is offering inducements to producers and directors

Diamond Funeral To Be Held Today

Funeral services for Lou S. Diamond, who was head of the Paramount short subjects department for the past 10 years, will be held at Riverside Memorial Chapel at 2:30 P. M. today. Burial will be private, at Mt. Pleasant Cemetery, Westchester. Diamond, who was 47 years old, was stricken by a heart attack last Friday night.

Republican Party Has Campaign Film

First film made by a political party for the 1940 campaign is "A New Tomorrow," produced on the Coast by the United Republican Finance Committee, for theatrical and organization showings.

The picture runs 45 minutes and includes a cast of Hollywood players, including Robert Barrett, Fuzzy Knight, Russell Hicks, Fay Helm, Donald Curtis, Harlan Briggs, Frank Orth, Edward McWade, Robert Keland and others.

Cost of the film was about \$50,000, according to Al Mertz, formerly in charge of RKO short subject sales, who is handling bookings of the subject for the Republican finance committee. Mertz said the film will be

Ostrer in Contempt In Gaumont Inquiry

LONDON, April 8.—Mark Ostrer, managing director of Gaumont British, today was ruled by Justice Crossman in contempt of court in refusing to give evidence before a Board of Trade inspector investigating the affairs of the company.

The court declared there would be no punishment if an apology was made. Ostrer pleaded that he was unwilling to give the evidence because a stenographer was present and that the investigation was made at the request of a minority influenced or headed by John Maxwell, head of Associated British Pictures Corp. Ostrer declared an object of the investigation was information useful to the company's competitors.

Split Widens On U. S. Trust Suit Settlement

Doubt Government Would Take Minority Decree

Executive opinion within a fifth major company differs on the acceptability of some phases of the proposed consent decree in settlement of the Government anti-trust suit, it was learned yesterday.

With Paramount and three other companies known to be opposed to a settlement in the form in which it is now proposed, it appears that a minority of the companies would formally accept a consent decree at this time.

Those companies possibly would be parties to a decree irrespective of the stands taken by their co-defendants. However, there is a serious question whether the Government would approve a consent decree for a minority of defendants only, since it is apparent that no general trade reforms could be obtained thereby and it is a virtual certainty that legislation embodying the basic settlement proposals could not be enacted at this session of Congress.

Meanwhile, the legal staffs of all defendant companies are pushing their preparations for trial of the suit.

The Government has asked and been granted an additional week's time in which to prepare additional information.

Sunshine and Rain Hurt B'way Grosses

The first pleasant weekend of the Spring season resulted in thousands from the metropolitan area leaving the city. Broadway grosses suffered during Sunday afternoon but maintained good levels generally over the weekend. Yesterday, the rain storm hurt grosses considerably.

Continuing to lead the Broadway parade, "Rebecca," with a stage show at the Music Hall grossed an estimated \$66,000 for the first four days of its second week. It will be held for three weeks, and may go four.

"It All Came True" opened strong at the Strand, with an estimated \$24,000 for the weekend. Eddy Duchin's band is the stage attraction. At the Roxy, the third weekend of "Primrose Path," with stage show, was good for an estimated \$23,500. Ending a four-week run at the Para-

Decision Reserved On 'Birth' Appeal

ALBANY, April 8.—The appeal of the American Committee on Maternal Welfare against the banning of "The Birth of a Baby" by the New York State Board of Regents was argued in the Court of Appeals today, with the court reserving decision.

Charles H. Tuttle, counsel for the appellants, declared that insufficient evidence existed to justify the ban and that the definition of "indecent" under the motion picture statute is contrary to other court decisions. He cited the fact that the film had been exhibited in 30 states.

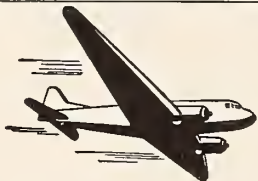
In answer, the respondents declared that the 12 members of the Board of Regents had been unanimous in voting the ban and that not one application had been made in the two years that the board had agreed to allow its use for educational purposes.

Faversham Rites Today

Funeral services for William Faversham, 72, one time matinee idol, are to be held at 2 P. M. today at the White Funeral Home, Bay Shore, L. I. He died suddenly Sunday morning. Best known for his role in "Squaw Man" in 1905, Faversham had starred on the American stage for years. Prior to his retirement, he appeared in motion pictures in featured roles, notably in "Becky Sharp." Surviving are two sons, William, Jr., of Boston, and Philip, of New York.

Michael Mayen Dies

MINNEAPOLIS, April 8.—Michael G. Mayen, 46, district manager for all suburban houses of the Minnesota Amusement Co. in Minneapolis and St. Paul, died here Saturday morning. Mayen had been associated with the amusement business since he was 15.



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Purely Personal

EMANUEL SILVERSTONE has extended his Coast visit another week.

A. E. SANDERSON, chief accountant of Ontario Associated Theatres, has returned to his Toronto home from the hospital, having recovered from an operation for appendicitis.

EDDIE SELLETTE, manager of the Albany, and ANDREW M. ROY, manager of the Strand, Warner theatres in Albany, have returned to their posts, both having been ill.

CHARLES DUTKIN, manager of the Girard, Philadelphia, has been discharged from the Naval Hospital where he had been a patient for 20 weeks.

HERMAN ROBBINS, HOWARD DIETZ, ARTHUR MAYER, ILKA CHASE, W. RAY JOHNSTON, A. P. WAXMAN, GEORGE SKOURAS at Nick's Hunting Room in the Astor for lunch yesterday.

HASKELL MASTERS, Canadian manager of United Artists, flew from Toronto to the Pacific Coast on business and is expected back April 15.

JAMES J. FITZGIBBONS, vice-president of Famous Players Canadian Corp., Toronto, has motored to Hot Springs, Ark., for a month's rest.

MRS. HARRY HIERSTEINER, wife of the owner of the Family Theatre, Des Moines, has returned from a three-week trip to California.

JACK COHN, HARRY GOETZ, ERN WESTMORE, SAM CITRON and ARTHUR LEE lunching at Bob Goldstein's Tavern yesterday.

WILLIAM T. A. WEBB, N. Y. Assemblyman, and manager of Smalley's Sidney, Sidney, N. Y., is vacationing in Florida.

LESTER JEFFRIES, assistant manager of Fay's Theatre, Philadelphia, is in the Presbyterian Hospital there with pneumonia.

JOSEPH UNGER, BARNEY BALABAN, ADOLPH ZUKOR, GUY BOLTON and LEE SHUBERT at Sardi's for lunch yesterday.

ARTHUR JACOBSON, talent scout for Paramount, arrived from the Coast yesterday, and is stopping at the Waldorf-Astoria.

HARRY PROSDOCIMI, Columbia branch manager in Panama, arrived on the Ancon Saturday for home office conferences.

LOUIS M. GOLDING, Fabian district manager in Albany, is in town for several days of conferences.

DAVID NIVEN, now serving with the British Army, has received a commission in the rifle brigade.

LOUIS DAVIDSON, RKO exploitation representative, has returned from a Chicago assignment.

TYRONE POWER and ANNABELLA have returned to the Coast following a brief stay here.

JAMES DRAKE, veteran exhibitor of St. Louis, is ill with a lung ailment.

JOSEPH A. McCONVILLE, Columbia foreign manager, will return Saturday on the Brazil from a two-month business trip to Central and South America.

LOUIS D. FROHLICH and HERMAN FINKELSTEIN, Ascap counsel, have postponed their departure for Gainesville, Fla., until Thursday. Florida's anti-Ascap law will be tested in Federal court there next Monday.

FRANK LLOYD, producer-director, and CARY GRANT, star of Columbia's "The Tree of Liberty," were guests at Williamsburg, Va., last night of JOHN D. ROCKEFELLER and Gov. JAMES H. PRICE.

MARTIN QUIGLEY, FRANK C. WALKER, WILLIAM F. RODGERS, HARRY BRANDT, RICHARD C. PATTERSON, LOWELL CALVERT, MONROE GREENTHAL among those at lunch yesterday at Moore's.

ALVARO REYES, branch manager for Paramount in Bogota, Colombia, has arrived in New York accompanied by MRS. REYES and their son and daughter. REYES will remain here a month.

KEITH GOLDSMITH is en route to Mexico City to assume his duties as 20th Century-Fox managing director for Mexico. At one time he was salesman for the company in Albany.

EDWARD M. SAUNDERS, M-G-M Western division manager, is in Chicago and later this week will be in Des Moines.

LEO BONOFF, of the Madison and Saybrook Theatres, New Haven, and MRS. BONOFF are on vacation in Miami.

JOEL BEZAHLE, assistant to E. M. SAUNDERS at M-G-M, has returned from a two-week vacation.

AUBREY SCHENCK, IRVING BARRY and J. J. MILSTEIN lunching at Lindy's (51st St.) yesterday.

Referee Told G.N. Assets Insufficient

Grand National assets will be insufficient, in all likelihood, to pay a dividend to general unsecured creditors, Joseph Dannenberg, attorney for the trustee, told Referee Peter B. Olney, Jr., yesterday at a creditors' hearing.

Referee Olney, during the hearing, denied a petition of Gustave A. De Lemos to reopen bids on film rights and to set aside a sale of the rights to Mohawk Pictures for \$17,500 and a percentage of Mohawk's gross.

Sale to Mohawk was upheld after a ruling that there had been no "fraud" in the bidding and that De Lemos had not been misled as to the amount of claims against G.N. De Lemos had backed his application for a reopening of the bids by offering \$37,500 for G.N.'s assets.

G.N. now has in its possession the sum of \$116,664, Dannenberg said. Before general creditors can receive any payments, \$181,099 is to be met in the form of liens, administration expenses and priorities, Dannenberg explained.

This includes a \$50,000 lien held by National City Bank and Arcadia Pictures; \$20,000 lien of the Chase National Bank; \$57,099 in past and future expenses, and \$54,000 in priority claims, it was said.

In addition, it was pointed out that no reserve had been set aside for payment of attorneys' fees and allowances to the trustee. One promising factor to be considered, Dannenberg said, was that he expected G.N. to net between \$50,000 and \$55,000 on its sale to Mohawk.

Funeral Services Held for Heacock

HOLLYWOOD, April 8.—Funeral services were held today for Francis Heacock, 35, a member of the Warner Bros. publicity department, who died Friday of injuries incurred in a traffic accident.

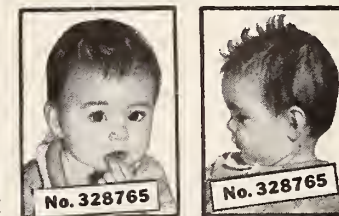
Pallbearers included Robert S. Tappinger, Carlisle Jones and Irving Rubine, members of the department; Captain Douglas Dawson, Anthony Jones and James Brazee. Jack L. Warner, vice-president in charge of production, and Charles Einfeld, director of advertising and publicity, were among those who attended the rites.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MOTHERS"
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NAME: Chum—Age 8 months
HAIR: Little Curly—TEETH: 3



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Now we can have the same high quality, snow-white screen illumination that the big fellows have at a price we can afford to pay.

Just think of it, Joe, only 'One Kilowatt' at the arc and High Intensity light to boot. That's real economy and something to shout about.

You can get them in both alternating and direct current types and they're really modern and up-to-date.


I am going to be one of the first to install this new 'One Kilowatt' High Intensity Arc because my show will then be 'tops' in color projection. Of course we both know that the High Intensity Arc gives the best projection of black and white. It's good box office, Joe. I'd advise you to do the same."

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Split Widens On U. S. Trust Suit Settlement

(Continued from page 1)

tion in answer to the defendant film companies interrogatories in the New York anti-trust suit.

Originally promised by Paul Williams, in charge of prosecution of the suit for the Government, for last Friday, the new information now is due April 12.

Pending receipt of the additional answers, defendants are holding in abeyance an order setting forth the deficiencies in the Government's original answers. This order will not be filed, it is understood, unless the Government's new answers are found to differ materially from the stipulation entered into by the Department of Justice some time ago on the answers it would furnish.

Defense counsel is preparing stipulations designed to shorten the actual trial of the suit but inasmuch as seven companies will have to be in agreement before they can be presented to the Government no early action on stipulations is looked for. Federal Judge Henry W. Goddard suggested that the defendants prepare counter stipulations when it became apparent 10 days ago that the stipulations prepared by the Government would not be accepted by the companies.

Pre-trial examination of Sidney R. Kent, president of 20th Century-Fox, slated for tomorrow, was postponed yesterday to April 18. William Kupper and William Sussman, Western and Eastern sales managers, respectively, of 20th Century-Fox, will testify April 16 and 17 instead of this week, it was announced.

Quota Continues On Footage Basis

(Continued from page 1)

conditions. Today's meeting was generally taken not to be a final answer to the problem.

The chairman of the British Films Council, as well as deputations from the industry, were present as Sir Andrew indicated the Government's intention.

Duncan stated that negotiations are continuing with American interests in accordance with the remittance agreement reached last November. The Americans had promised not to interrupt their British production programs pending final settlement of the situation, the official said.

Duncan discussed the report of the Films Council on production financing, embracing plans for the establishment of finance corporation, which apparently still are under consideration by the Government, with additional meetings planned.

Production, exhibition and labor interests were represented at the Board of Trade session today.

'History' Retitled

"Foreign Correspondent" has been selected by Walter Wanger as the title of the production now being directed by Alfred Hitchcock, based on Vincent Sheean's "Personal History." It will be released by United Artists.

French Directors Signed For Production in Rome

(Continued from page 1)

from other countries to work at Cinecittà, taking advantage of its position as a neutral country. A requirement is that Italian versions be made of the films so produced.

Only three features were in work in Paris while Wachsberger was there, he said. Fear of air attacks is holding production to a minimum. Two or three of the producing companies have removed operations to Nice. Lillian Harvey, English actress who played in German films until the war, has organized a production company and has taken over a Monte Carlo casino for a studio.

By arrangement between the British and French Ministries of Information, there will be a joint venture in the production of Jules Verne's

"Five Hundred Millions of the Begum," a story of a conflict between German and French communities in the United States. The film will be made in Paris in French and English versions. Eric von Stroheim will play in it.

While the film will not be designed purely as propaganda, the story points up the German militaristic spirit in contrast to the peace-loving Frenchmen.

"Le Corsaire," Charles Boyer film which was left uncompleted in Paris when war broke out, will be finished by Boyer either on the Coast or in Paris, said Wachsberger, who plans to leave for the Coast early next week to arrange for production of six features. Some of these may be remakes of French films.

Republican Party Has Campaign Film

(Continued from page 1)

booked at first for showings by political and civic groups, and later theatrical bookings will be sought.

Purpose of the film is to "create wider interest in the ideals of the Republican Party." It is assertedly based on Abraham Lincoln's ideals and traces the organization of Government from the pioneer days to the present, with hope expressed in the future expansion of America.

The film will be used in connection with fund-raising activities of the Republican National Committee. It was made under the direction of F. Trubee Davison, chairman of the Republican finance committee.

Many Theatre Men At 'Eater' Premiere

Numerous Southern theatre men will attend Paramount's world premiere of "The Biscuit Eater" at Albany, Ga., on Thursday. From Atlanta will be William K. Jenkins, E. E. Whitaker, of Lucas & Jenkins; R. B. Wilby and J. H. Harrison of Martin & Thompson; William Pratt of the Paramount. Harold Wilkes and John Kirby of the Paramount exchange also will attend. Stuart Heisler, director of the film; Jack Moss, producer, and Billy Lee, the star, will be present from Hollywood. Other players will include Jean Cagney and William Henry.

From other cities in the South will come O. L. Benson, Mrs. Alma King, R. M. Kennedy, Roy and Hugh Martin, A. E. Adams, J. N. Morgan, Clark Gurley, R. H. Hightower, Mrs. F. D. Adams, Mott H. Whitman, Joseph Schmidt, J. H. Thompson, L. J. Duncan, Luke Stein and M. A. Lightman.

Seattle Union Meeting

SEATTLE, April 8.—A conference of all B-locals of theatre and film exchange employees in Washington, Oregon, Montana and British Columbia will be held here on April 15, according to George T. Hood, business agent of Theatre Employee's union, B-22. The conference will elect two delegates to the I.A.T.S.E. annual convention in Louisville on June 3.

Sunshine and Rain Hurt B'way Grosses

(Continued from page 1)

mount tonight, "Road to Singapore," with Tommy Dorsey's band on the stage, should bring an estimated \$31,000 for the fourth stanza. It drew an estimated \$15,000 over Saturday and Sunday. "Dr. Cyclops" opens at the Paramount tomorrow.

"Gone With the Wind" grossed an estimated \$20,000 in the 16th week of its two-a-day run at the Astor. At the Rialto, "Zanzibar" drew an estimated \$9,000 in eight days. "Isle of Destiny" opened there on Saturday. The second week of "Human Monster" grossed an estimated \$4,800 at the Globe. "Outside the Three Mile Limit" which followed "Human Monster" on Saturday, drew an estimated \$2,500 for Saturday and Sunday.

Publicity Men Plan Club, Code of Ethics

A code of ethics for the publicity field is one of the aims of an organization to be formed today at a luncheon meeting at the Hotel Roosevelt. Men and women who work in publicity, public relations and special promotion are eligible for membership. The organization is tentatively known as The Publicity Club of New York, Inc.

Purpose of the organization, besides formulating the code, include informing industry and the general public of the functions of publicity and mutual betterment of the membership. Weekly luncheon meetings are planned.

Seek New Censor System in Chicago

CHICAGO, April 8.—The Civil Liberties Committee is scheduled to draft an ordinance at a meeting here tomorrow which will propose a new censorship system for the city.

The new ordinance, according to Ira Latimer, committee chairman, will propose dissolution of the present police censor board and the establishment of an entirely new review body.

Rockefeller Gives \$225,800 for Films

The Rockefeller Foundation in 1939 made grants totaling \$225,800 for studies and development of social and educational aspects of films and the drama, it is disclosed in the annual report of Raymond B. Fosdick, president.

In the field of films, the largest contribution was \$60,000 to the American Film Center for general expenses during a two-year period. The Center was established in 1938 to act as a central agency for promoting the production, distribution and use of films for educational and cultural purposes.

The Foundation also appropriated \$7,500 to the National Committee on International Intellectual Cooperation for the development of international exchange of educational films, and \$19,380 to the National Film Society of Canada for the same purpose.

In the drama field, grants included \$17,500 to Vassar College toward the cost of a report on the Federal Theatre Project and for a survey on the promotion of community drama on a national basis; \$25,000 to the Studio Theatre School of Buffalo for the development of school and community drama; \$25,000 to the National Theatre Conference for fellowships in advanced drama training; and \$30,000 to the Stevens Institute of Technology for research in the control of sound and light for dramatic purposes.

Bioff Wins Week's Stay on Rehearing

CHICAGO, April 8.—William Bioff today was granted a continuance to April 15 by Judge Prystalski to seek a rehearing before the state Supreme Court of his action to avoid serving his 17-year-old jail sentence of six months.

Judge Prystalski said he would grant no further continuances and would close the case in his court next Monday.

Indications are that Bioff will have to serve all or part of his sentence before a rehearing of his case could be acted upon by the state Supreme Court.

Ontario Bans Reels On Recent Election

Toronto, April 8.—Newsreel shots referring to the victory of the Liberal Party in the recent Federal elections in Canada have been deleted in Ontario because of the policy of Premier Mitchell Hepburn in keeping Canadian politics off the theatre screens in Ontario. Incidentally, Hepburn is a Liberal but he declared that he would continue to treat all parties alike.

Approval of "Primrose Path" has been withheld, following a screening of this feature by Hepburn, and no arrangements are being made for Ontario bookings. Intimation has been made that the picture might be passed at a later date, pending further consideration.

Cantor to Unveil Birthplace Tablet

As the first event of Eddie Cantor's "homecoming" celebration April 17 on the East Side, Cantor will unveil a tablet on a building adjoining the site where he was born at 49 Henry St.

The celebration will be climaxed by a benefit showing in the evening of Cantor's film, "40 Little Mothers" at Loew's Canal. The following day the picture will start a regular engagement at the Capitol, with Cantor and George Jessel heading a stage show.

The celebration will include a flag raising at the Riis Settlement House, across the street from Cantor's birthplace; a civic luncheon at the Broadway Mansion; a reception for school children at Roosevelt Park, and a parade.

Burnett Is Named To Kurtzman Post

Martin Burnett, manager of Loew's Theatre, Dayton, for the last six years, yesterday was appointed manager of the 3,800-seat Penn in Pittsburgh by Joseph R. Vogel, operator of Loew's out-of-town theatres.

Burnett succeeds Charles Kurtzman, who last week was appointed as the circuit's district manager in Boston. The Dayton post will be filled by Sam A. Gilman, manager since 1934 of the Regent, Harrisburg. William Elder of the Bijou, New Haven, will be transferred to the Harrisburg theatre. Stanley Barlup, assistant manager at the Palace, Washington, was promoted to the New Haven post. All changes become effective Thursday.

St. Louis Operators Ask Books from Nick

ST. LOUIS, April 8.—Negotiations are under way by which the operators' union, Local 143, is seeking to have John P. Nick, ousted head of the union, turn over funds, records, check books and canceled checks of the union. In return the union would waive part of the \$48,399 judgment rendered against Nick and Clyde A. Weston, his lieutenant, by Circuit Judge Ernest F. Oakley.

Nick, through his negotiators, is said to be willing to surrender his membership in the union, but waiving part of the judgment is said to be one of Nick's stipulations.

Schenck, Zanuck and Goetz on Way Here

Joseph M. Schenck, chairman of 20th Century-Fox; Darryl F. Zanuck, vice-president in charge of production, and William Goetz, vice-president, are expected shortly in New York in connection with the inquiry which the U. S. Department of Justice is making relative to their tax payments, growing out of the 20th Century-Fox merger.

Schenck, Zanuck and Goetz will leave Hollywood Saturday to address the 20th Century-Fox sales convention at Chicago Sunday. Zanuck will make the keynote address.

Harry Kadis, former internal revenue investigator, left Hollywood today to testify before the grand jury. He posted a bond guaranteeing his appearance in New York.

War Hero Pictures Revive Zanuck, Warner Rivalry

HOLLYWOOD, April 8.—The rivalry between DARRYL F. ZANUCK and WARNERS, which started when he left the valley lot during the hectic days of the 1933 "50 per cent salary cut" and formed his own company, broke again last week with the announcement by Warners that it would make a picture based on the life of SERGEANT ALVIN YORK, World War hero.

The Warner announcement, coupled with the statement that JESSE LASKY had been signed as producer, followed by several weeks the 20th Century-Fox statement that WILLIAM ANTHONY MCGUIRE would write and produce a picture of the life of SERGEANT SAM DREBEN, yept "The Fighting Jew."

BING CROSBY, DOROTHY LAMOUR and BOB HOPE, starred in Paramount's "Road to Singapore," will be teamed again in "Blue Lagoon," original story by FRANK BUTLER. . . . DORE SCHARY has left for Washington, D. C., to gather material for the M-G-M picture based on the life of SIMON BOLIVAR. . . . Cast for JACK HOLT's next Daimour-Columbia picture is VICKI LESTER, STANLEY FIELDS, NOEL MADISON, HOBART CAVANAUGH and DORIS LLOYD. LEWIS D. COLLINS will direct from ALBERT DEMOND's original script. . . . LEO MCCAREY is writing an original screenplay which he will produce at RKO, probably with CARY GRANT and IRENE DUNNE in the leads. It will be called "Together Again." . . . RKO has borrowed DENNIS O'KEEFE from M-G-M for a role in "\$1,000 Marriage."

JOSEPH SCHILDKRAUT has been set for a lead in "Nick Carter in Panama," at M-G-M. . . . EDDY GRANE-MAN has been set as director of advertising and publicity of Sigmund

Legion Approves 8 Of 10 New Pictures

Eight of 10 new films were approved by the National Legion of Decency this week, four for general patronage and four for adults. Two were found objectionable in part. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "The Biscuit Eater," "Golden Gloves," "Star Dust," "Texas Stagecoach." Class A-2, Unobjectionable for Adults: "And One Was Beautiful," "Beyond Tomorrow," "Lights Out in Europe." "Till We Meet Again." Class B, Objectionable in Part: "Johnny Apollo," "King of the Lumberjacks."

Goldwyn's U. A. Suit Delayed to April 23

Trial of Samuel Goldwyn's action against United Artists and Alexander Korda, involving the producer's attempt to obtain a release from his distribution contract with United Artists, was postponed in Federal District court here yesterday to April 23.

Schwartz & Frohlich, Korda's counsel, requested the postponement on the grounds that they were not ready for trial.

Neufeld Productions, Inc., releasing through Producers Releasing Corp., headed by HARRY RATHNER. First on the production schedule is "Sons of the Finest." . . . PATRICIA MORISON will play opposite FRED MACMURRAY in Paramount's "Rangers of Fortune," in which ALBERT DEKKER has a leading role. . . . SIDNEY LANFIELD has acquired the film rights to HORACE BRADWIN's novel, "Fleet of Foot." . . . ANN SHERIDAN will play opposite GEORGE RAFT in "They Drive by Night," for which Warners has also cast HUMPHREY BOGART. . . . RKO, because of their success as a comedy team in "Curtain Call," plans a picture again teaming ALAN MOMBRAV and DONALD MCBRIDE.

SHEPARD TRAUBE, who directed the "March of Time" feature, "Ramparts We Watch," has been signed as a director at 20th Century-Fox. . . . The studio has cast CHARLES RUGGLES, FRANKLYN PANGHORN and BERTON CHURCHILL in Public Deb No. 1," which GREGORY RATOFF has been assigned to direct. . . . 20th Century-Fox also signed FRITZ LANG to direct "The Return of Frank James," starring HENRY FONDA. It will be a sequel to the successful "Jesse James." KENNETH MACGOWAN will produce. . . . KARL SCHLICHTER has joined the staff of Paris-Soir and associated French publications as staff photographer and will be in charge of all art for the papers. . . . M-G-M has extended the contract of ANN RUTHERFORD. . . . RKO will team LEE TRACY and LINDA HAYES in "Millionaires in Prison"

'Pinocchio' Is Best Grosser In Twin Cities

MINNEAPOLIS, April 8.—Best business of the week in Minneapolis went to "Pinocchio," which drew \$9,400 at the Orpheum and was held.

In St. Paul, best grosser also was "Pinocchio" at the Orpheum, with \$5,800.

"Double Alibi" (Univ.)
"Showdown" (Para.)
ASTER—(900) (15c-25c) 7 days. Gross: \$1,600. (Average, \$1,500)
"Road to Singapore" (Para.)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: \$6,100. (Average, \$4,000)
"My Little Chickadee" (Univ.)
ESQUIRE—(250) (25c-40c) 7 days, 2nd week. Gross: \$900. (Average, \$1,000)
"Swiss Family Robinson" (RKO)
GOPHER—(990) (25c) 7 days. Gross: \$4,200. (Average, \$2,500)
"Pinocchio" (RKO)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$9,400. (Average, \$5,000)
"Young Tom Edison" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: \$7,000. (Average, \$5,000)
"Sidewalks of London" (Para.)
WORLD—(400) (25c-55c) 7 days. Gross: \$1,700. (Average, \$1,600)

St. Paul

"Pinocchio" (RKO)
ORPHEUM—(2,000) (25c-40) 7 days. Gross: \$5,800. (Average, \$4,000)
"Young Tom Edison" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$5,800. (Average, \$4,500)
"He Married His Wife" (20th-Fox)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,900. (Average, \$2,200)
"Tower of London" (Univ.)
"Granny Get Your Gun" (W. B.)
TOWER—(1,000) (25c) 7 days. Gross: \$1,900. (Average, \$2,000)
"Chump at Oxford" (U. A.)
"Sidewalks of London" (Para.)
WORLD—(400) (25c-55c) 7 days. "Chump" 4 days. "Sidewalks" 3 days. Gross: \$1,200. (Average, \$1,000)

IN OLD MISSOURI

WEAVER BROTHERS and ELVIRY



with

JUNE STOREY
MARJORIE GATESON
THURSTON HALL
THE HALL JOHNSON CHOIR
DIRECTED BY FRANK McDONALD

A Republic
PICTURE

'Rebecca' Hits Good \$8,500, Seattle's Best

SEATTLE, April 8.—Six holdover attractions and only one new first run kept grosses down. "Rebecca" at the Liberty in its second week took \$8,500 to show the best comparative gross. "Pinocchio" was the only new attraction, where it gathered about \$8,000 and earned another week's run.

Estimated takings for the week ending April 5:

"Young Tom Edison" (M-G-M)
 "Charlie Chan in Panama" (20th-Fox)
 BLUE MOUSE—(550) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,300. (Average, \$4,000)
 "Strange Cargo" (M-G-M)
 "Free, Blonde and 21" (20th-Fox)
 FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, 2nd week. Gross: \$6,500. (Average, \$7,000)
 "Rebecca" (U. A.)
 LIBERTY—(1,800) (25c-40c-55c) 7 days, 2nd week. Gross: \$8,500. (Average, \$5,000)
 "The Bluebird" (20th-Fox)
 MUSIC BOX—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,100. (Average, \$4,000)
 "The Road to Singapore" (Para.)
 "Oh Johnny How You Can Love" (Univ.)
 ORPHEUM—(2,450) (25c-40c) 7 days, 2nd week. Gross: \$5,500. (Average, \$6,000)
 "Virginia City" (W. B.)
 PALOMAR—(1,500) (25c-40c) 7 days, 2nd week. Gross: \$5,100. (Average, \$5,000)
 "Pinocchio" (RKO)
 "Little Orvie" (RKO)
 PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$8,000. (Average, \$6,000)

'Pinocchio' Strong \$7,600, Providence

PROVIDENCE, April 8.—With four programs doing a second week in town, business held up well. "Rebecca" and "Little Orvie," held over at Loew's State, held the gross up to an average \$11,000, and "The Road to Singapore" and "Black Limelight" gave the Strand \$7,200.

Estimated takings for the week ending April 3-4:

"Pinocchio" (RKO)
 "Millionaire Playboy" (RKO)
 RKO-ALBEE—(2,239) (25c-35c-50c) 7 days, 2nd week. Gross: \$7,600. (Average, \$6,000)
 "Rebecca" (U. A.)
 "Little Orvie" (RKO)
 LOEW'S STATE—(3,232) (25c-35c-50c) 7 days, 2nd week. Gross: \$11,000. (Average, \$11,000)
 "I Take This Woman" (M-G-M)
 "Man From Montreal" (Univ.)
 MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$7,000. (Average, \$7,000)
 "Road to Singapore" (Para.)
 "Black Limelight" (Alliance)
 STRAND—(2,200) (25c-35c-50c) 7 days, 2nd week. Gross: \$7,200. (Average, \$6,000)
 "Viva Cisco Kid" (20th-Fox)
 FAY'S—(1,800) (25c-35c-50c) 7 days. Stage show with Mayfair Accordion Ensemble; Johnny Sully and Muriel Thomas; Kenny and Norris; White and Manning; Paul Nolan and Co. Gross: \$5,100. (Average, \$6,500)
 "Virginia City" (W. B.)
 CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$3,000. (Average, \$3,500)
 "Sidewalks of London" (Para.) (3 days)
 "Charlie Chan in Panama" (20th-Fox) (3 days)
 "The Earl of Chicago" (M-G-M) (4 days)
 "Swiss Family Robinson" (RKO) (4 days)
 EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,500. (Average, \$1,700)

Two Companies Formed

ALBANY, April 8.—Gloria Pictures Corp. has been formed here with authorized capital stock of \$50,000. Incorporators are Helen Willner, Leo Taub and Harold M. Geller, New York. O. & J., Inc., has also been formed to conduct a theatre business by Harold O. Johnson, John S. Olsen, A. S. Cutler and Abe Males, New York.

Hollywood Previews

"On Their Own"

(20th Century-Fox)

HOLLYWOOD, April 8.—This number in the Jones Family is exploitable as the 17th in that long sustained series, as the first in many which has not had Jed Prouty in the cast and—if a showman feels like attempting something out of the ordinary in his exploitation of the feature—as "A Pollyanna 'Grapes of Wrath.'"

For in this number the Jones Family goes broke, sells the old home—stead, sets out for California in the family automobile and trailer with a gross capital of \$400, traverses the same Route 66 that the Joad Family of "The Grapes of Wrath" traversed, but finds happiness and prosperity in California, specifically in Los Angeles and in operation of a bungalow court in that city. Whether or not this similarity of geographic movement and economic motivation was designed for the purpose of providing showmen with a unique exploitation opportunity, the parallel is indicated both in scenic setting and dialogue so manifestly as to make such an advertising campaign practicable.

The absence of Prouty is not conspicuous. The story starts with him in the hospital with a nervous breakdown and raises no reason for showing him to the audience. Spring Byington is the mainspring of the action, aided by Ken Howell, George Ernest, June Carlson, Florence Roberts, Billy Mahan, Marguerite Chapman, John Qualen and a host of others, character actors, vaudevillians, musicians and dogs.

The Hollywood preview audience reacted favorably to the humor throughout.

Running time, 65 minutes. "G."*

ROScoe WILLIAMS

"Curtain Call"

(RKO)

HOLLYWOOD, April 8.—Well paced for its comedy situations, "Curtain Call" features Barbara Read, Alan Mowbray, Helen Vinson, Donald MacBride and John Archer in a story of a young playwright made to realize that the romance of the stage can be secondary to the romance of home and marriage.

The amateurish play written by the young authoress portrayed by Miss Read is accepted as a stage vehicle by a case-hardened producer and his director as a means of forcing their star to stay with them rather than going to work with another producer. The star, enacted by Miss Vinson, thinks the play a masterpiece, however, with screen comedy resulting from the director's attempts to turn the play from melodrama to farce.

Howard Benedict produced the picture in his initial venture as producer, with Frank Woodruff directing. The screenplay was written by Dalton Trumbo, from a story by Howard J. Green.

Running time, 60 minutes. "G."*

W. S.

"Enemy Agent"

(Universal)

HOLLYWOOD, April 8.—Universal's "Enemy Agent" is a melodrama on which, by virtue of its background of spies seeking to steal the secret of a new American bomb plane sight, an exploitation campaign appealing to action fans can be based. It is 60 minutes of action suspense and comedy.

Richard Cromwell, Helen Vinson, Robert Armstrong and Marjorie Reynolds have the leading roles, supported by Jack Arnold, Russell Hicks, Philip Dorn, Jack LaRue, Bradley Page, Abner Biberman, Luis Alberni, Jack Carson and Milburn Stone.

The screenplay by Sam Robins and Edmund L. Hartmann, who adapted the original story by Robins, has Cromwell, a draftsman in an aviation plant, suspected of plotting to steal the bomb sight plans. "Framed," Cromwell is discharged and, through a burglary of a fellow worker's apartment, finds evidence to clear his name. Complications arise when the evidence is stolen from his car, and at the climax, the real spies are captured.

Low Landers directed the Ben Pivar production.

Running time, 60 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Projectionists' Fete

BOSTON, April 8.—The 30th anniversary celebration of the Motion Picture Projectionists of Boston is scheduled for the Copley Plaza Hotel on May 1. An exhibit of projection machines from 1890 up to the present time has been arranged.

Odlum Heads Troops

MONTREAL, April 8.—Brig-Gen. V. W. Odlum, vice-chairman of the Canadian Broadcasting Corp., will command the second division of Canadian active service force. He has been a member of the CBC board of governors since its inception in 1936.

'Seventeen,' Unit on Stage Set Loop Pace

CHICAGO, April 8.—"Seventeen," aided by Bonnie Baker and Orrin Tucker's band, ran up a terrific gross at the Chicago, \$55,600. "I Take This Woman" at the Roosevelt drew \$12,000, while holdovers dominated the rest of the Loop. Mild weather helped.

Estimated takings for the week ending April 3-6:

"Of Mice and Men" (U. A.)
 APOLLO—(1,400) (35c-55c-75c) 7 days, 2nd week. Gross: \$6,200. (Average, \$6,000)
 "Seventeen" (Para.)
 CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Orrin Tucker's Band, and Bonnie Baker. Gross: \$55,600. (Average, \$32,000)
 "Road to Singapore" (Para.)
 GARRICK—(1,000) (35c-55c-75c) 7 days, 3rd week. Gross: \$6,100. (Average, \$5,000)
 "Gone With the Wind" (M-G-M)
 ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 7 days, 10th week. Gross: \$32,000. (Average, \$13,000)
 "Pinocchio" (RKO)
 "Courageous Dr. Christian" (RKO)
 PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Gross: \$12,400. (Average, \$12,000)
 "I Take This Woman" (M-G-M)
 ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: \$12,000. (Average, \$11,000)
 "Slightly Honorable" (W. B.)
 STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Little Jack Little & Band. Gross: \$15,800. (Average, \$14,000)
 "Young Tom Edison" (M-G-M)
 UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: \$8,600. (Average, \$14,000)
 "Gone With the Wind" (M-G-M)
 WOODS—(1,100) (\$1.10-\$1.50) 7 days, 10th week. Gross: \$11,800

'Singapore' \$15,500 Is Best in Cincinnati

CINCINNATI, April 8.—Despite warm weather which offered an out-of-doors lure, "The Road to Singapore" gave the RKO Palace a smash \$15,500, while "Pinocchio" had a \$10,000 second week at the RKO Albee. Other houses, although below average, were ahead of the previous week.

Estimated takings for the week ending April 3-6:

"Pinocchio" (RKO)
 RKO ALBEE—(3,300) (35c-42c) 7 days, 2nd week. Gross: \$10,000. (Average, \$12,000)
 "Road to Singapore" (Para.)
 RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$15,500. (Average, \$10,000)
 "Dr. Ehrlich's Magic Bullet" (F. N.)
 RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: \$6,800. (Average, \$10,000)
 "Virginia City" (W. B.)
 RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$6,000. (Average, \$6,500)
 "Seventeen" (Para.)
 RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: \$4,000. (Average, \$5,000)
 "Calling Philo Vance" (W. B.)
 "The Telegraph Trail" (W. B.)
 RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,300. (Average, \$1,500)
 "Zanzibar" (Univ.)
 "Granny Get Your Gun" (W. B.)
 RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
 "Sidewalks of London" (Para.)
 KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$4,900. (Average, \$6,000)

CEA Meeting July 9

LONDON, April 8.—The Cinematograph Exhibitors Association will hold its annual Summer conference at Bournemouth on July 9 and 10. The meeting will be shorter than usual.

Metro Buys 'Jekyll'

M-G-M has purchased the rights to Robert Louis Stevenson's "Dr. Jekyll and Mr. Hyde," and is planning a production in England, with Robert Donat in the dual starring role.

28 New Films Now in Work On the Coast

HOLLYWOOD, April 8.—Twenty-eight pictures were before the cameras this week, as five started and four finished. Thirty-two were being prepared, and 56 were being edited.

The by studios:

Columbia

In Work: "The Lone Wolf Meets a Lady," "Babies for Sale."

Started: "Arizona."

M-G-M

In Work: "Pride and Prejudice," "The Mortal Storm," "Susan and God," "Boom Town."

Monogram

Finished: "Land of the Six Guns."

Paramount

Finished: Henry Aldrich picture.

In Work: "North West Mounted Police," "I Want a Divorce."

RKO

In Work: "Tom Brown's School Days," "Anne of Windy Poplars," "The Villain Still Pursued Her."

Republic

Finished: "The Crooked Road."

In Work: "Gaucha Serenade," "Gangs of Chicago," "Doctors Don't Tell."

Small

In Work: "South of Pago Pago."

20th Century-Fox

In Work: "The Young People,"

"Rain or Shine."

Started: "Four Sons."

Universal

Finished: "If I Had My Way."

Started: "Bad Man from Red Butte," "South to Karanaga," "No Exit."

Wanger

In Work: "Personal History."

Warners

In Work: "The Sea Hawk," "All This and Heaven, Too," "Torrid Zone," "Brother Orchid," "The Life of Knute Rockne."

20th-Fox Is Sued By Myron Selznick

HOLLYWOOD, April 8.—The two-year dispute between 20th Century-Fox and the Myron Selznick agency flared again over the weekend when the talent firm filed a Superior Court suit seeking an injunction to prevent the studio from interfering with its business.

The action asserted that on Feb. 5, 1938, studio executives announced that henceforth they would not negotiate with representatives of the agency and declared further that the agency's activities were proving injurious to its own clients. Also made defendants were Joseph M. Schenck, Darryl F. Zanuck and Lew Schreiber, accused of inducing those under contract with the studio to break their pacts with the agency.

'Command' to Roxy

"Dark Command," Republic film, will play the Roxy under a deal closed yesterday by James R. Grainger, Republic president. The film has not been dated but will play the theatre within the next few weeks. This is the first Republic picture at the Roxy since "Laughing Irish Eyes" about three years ago.

Radio Studies Sponsored By Rockefeller Foundation

THE Rockefeller Foundation in 1939 gave Harvard University \$24,000 to help establish a lectureship in radio broadcasting. To this lectureship the University appointed Charles A. Siepmann, formerly with British Broadcasting Corp., the Foundation annual report discloses.

A radio study at Princeton University benefited by an additional \$17,500 during the year. The study, which is concerned with the role radio is playing in the lives of listeners, was begun in 1937 under a grant from the Foundation, and to date appropriations for the work total \$84,500.

The research is being conducted by Princeton's School of Public and International Affairs. One report of this study, shortly to be published, contrasts the appeal of radio with the printed page.

It was found that the percentage of radio listeners is greater among high school graduates than it is among college graduates, and greater still among those who did not reach high school. The more educated, it was found, concentrate mostly on serious broadcasts, symphonic music, opera, discussions of affairs, and the like. This contrast applies also to news broadcasts, which are heard mostly by those of a lower cultural level, while the more educated tend to rely on printed news.

Personalities in the News

George Mateyo, research head in the sales promotion department at WOR since 1936, was yesterday appointed assistant to Dr. Frank N. Stanton, director of research for CBS. . . . Jimmy Powers, sports editor of the Daily News, has been added to the sports staff at WHN, bringing the total of sportscasters to four on the station. Powers will be heard Tuesdays, Thursdays and Saturdays at 10 P.M. . . . Rudy Vallee is reported to be bringing his Sealtest show to New York in June for the purpose of using eastern guest stars instead of Hollywood talent. . . .

Marshall Dane, formerly with WIP, Philadelphia, and WBAL, Baltimore, has joined the WOR announcing staff. . . . James Costello, formerly with the NBC program department, has joined the Mutual publicity staff as assistant to Lester Gottlieb. . . . Jeffrey Lynn and Lucille Ball will be guests on "Kraft Music Hall" over NBC-Red Thursday at 10 P.M. . . .

Program Notes

Modern Food Process Co. will carry the "Moylan Sisters" through the Summer over NBC-Blue for the first time. A 26-week renewal, effective April 28, was signed yesterday. . . . After being on NBC-Red for almost two years, "Death Valley Days" returns to the Blue on Friday, May 3 at 8:30 P.M. . . . Mutual will carry exclusively 13 broadcasts of races of the Delaware Steeplechase and Racing Association at Delaware Park from May 29 to July 4. . . .

WNYC will launch a "World's Fair Preview" series tonight at 6:30. Last year, WNYC carried more than 800 broadcasts from the Fair. . . . General Cigar Co. has renewed Raymond Gram Swing's contract for an additional six months, ending March, 1941. Swing is heard Mondays and

Fridays for the sponsor. . . . Rapinwax Co. will sponsor Adelaide Hawley's "Woman's Page of the Air" over WABC on Thursdays. The program is heard Monday through Saturday at 8:45 A.M.

Mutual to Add WHBC

Mutual will add a new station, WHBC, Canton, Ohio, on Saturday. The station operates on 1,200 k. c., with 250 watts power, full time. It will be Mutual's 131st affiliate.

Newspapers Criticize F. C. C.

From two leading New York daily newspapers yesterday came outspoken criticism of the F.C.C.'s attitude toward the new science of television.

Said the New York Times, in part: "No one questions that a type of electrical communication which makes heavy demands on the ether, already overcrowded, must be supervised by some governmental body. But what television particularly needs just now is not tyrannous restraint but guidance and aid."

An excerpt from an editorial in the New York Sun:

"If the sale of receivers now offered to the public should result in standardizing television at its present stage, obviously those receivers would not become obsolete, and consequently their purchasers would suffer no money loss; if, on other hand, they should become obsolete, that fact would prove that their sale had not standardized television."

"... If a man or woman of low income desires a television receiver in the present stage of development sufficiently to sacrifice for it something else, even though that something be a thing somebody else regards as more desirable or even as a necessary of life, what power in heaven above or the earth beneath or the water under the earth has commissioned a bureaucrat in Washington to decree that he shall not exercise his own will and his own judgment in the premises?"

Samuelson Is Slated For N. J. Allied Board

Although no longer an exhibitor in New Jersey, Sidney E. Samuelson is slated to be elected a member of the board of New Jersey Allied. He resigned as a director following his appointment as business manager of Allied Independent Theatre Owners of Eastern Pennsylvania about a year ago. His office is in Philadelphia.

Samuelson has sold his theatre in Newton, N. J., to St. Cloud Theatres Corp., which operates the Court in the same town. Principals of the company are C. E. Smith and Alvin Sloane.

Samuelson is reported planning to devote all his time to organization matters.

Walker to Be Ball M.C.

Former Mayor James J. Walker will be master of ceremonies at the 11th annual dance and entertainment of the Press Photographers Association of New York at the Hotel Astor on Friday. George Jessel, Milton Berle, Harry Hersfield, Henry Youngman and others will relieve Walker.

Du Mont Says Television Is Ready to Go

WASHINGTON, April 8.—Allen B. DuMont, president of the Allen B. DuMont Laboratories, told the F.C.C. today that television was ready for commercialization on flexible standards. DuMont had previously opposed the setting of standards for video and favored continued experimentation.

As the television hearings got under way, F.C.C. Chairman James L. Fly declared that "this is not a trial" and asserted that no effort would be made by the commission to determine "the legal propriety of the promotional activities of the industry."

DuMont testified that his company had sold 500 receiving sets but added that free adjustments to prevent obsolescence was guaranteed for a specified time. He declared that the industry could see no reason for deferring limited commercialization beyond Sept. 1, the date originally set by the commission for the start of commercial programs. He opposed delaying television for the development of frequency modulation transmission and resisted the loss of the television channel which F-M broadcasters sought at hearings last month. He explained that more work had been done on the number one channel than on any other.

Representative Cox of Georgia today demanded in the House that an investigation be made of the "radio trust." He charged that "this radio trust attacked the commission because that Federal agency refused to permit the trust to unload on the public obsolete television sets."

Studio Sound Chiefs Here as Erpi Guests

A delegation of studio sound directors arrived from the Coast yesterday as guests of Erpi for a week's study of technical improvements in sound film recording and reproduction. They were guests of Dr. O. E. Buckley, executive vice-president, at Bell Telephone Laboratories during the day.

A highlight of the delegation's visit will come with the demonstrations of Erpi sound reproducing developments tonight and tomorrow at Carnegie Hall.

Clifford W. Smith, Hollywood vice-president of Erpi, was in charge of the trans-continental trip. Members of the party included Douglas Shearer, M-G-M; Elmer Raguse, Hal Roach Studio; E. H. Hansen, 20th Century-Fox; Loren L. Ryder, Paramount; John Livadary, Columbia; Thomas Moulton, Samuel Goldwyn Prod.; Bernard Brown, Universal; E. I. Sponable, Fox Movietone News; Jack Whitney, General Service Studios, and K. F. Morgan, commercial manager of Erpi.

Mexico Bans 'Ninotchka'

MEXICO CITY, April 8.—"Ninotchka," M-G-M film satirizing Communism in Soviet Russia, has been banned by the Mexican Government. A protest from the Confederation of Mexican Workers caused the action, it is said.

Billy Lee for 'Biscuit Eater' Film Premiere

ALBANY, Ga.—Billy Lee, nine-year-old star of "The Biscuit Eater," will make a series of personal appearances throughout Georgia in connection with the world premiere of the picture at the Albany Theatre here on April 11.

Following the premiere, the child star will appear at the Grand Theatre, Macon, on April 12 and 13; at the Royal Theatre in Columbus on April 14 and at the Paramount Theatre in Atlanta on April 15, 16 and 17.

Adolph C. Gortatowsky, prominent Georgia exhibitor, has been appointed chairman of the committee in charge of local arrangements for the premiere. He will be assisted by Y. Frank Freeman, Jr., of the studio production department, and Jack Dailey, of the studio advertising department.

Heavy Demand for Prints on 'Eater'

Atlanta, Ga.—Fifty prints of "The Biscuit Eater" will be delivered for showing in more than 100 theatres, principally in Georgia, during the week following the world premiere of the picture at Albany, Ga., on April 11, it was announced by John Kirby, local Paramount branch manager.

This number of prints, Kirby pointed out, is unusually large, the maximum number of prints of a picture ordinarily handled by his office being five.

Set for Ga. Opening

ALBANY, Ga.—Bobby Jones, the Georgia golf immortal; Chip Roberts, secretary of the National Democratic Committee; Robert W. Woodruff, president of the Coca-Cola Company, and Dr. M. L. Brittain, president of Georgia Tech, will be among the notables coming here for the world premiere of Paramount's "The Biscuit Eater" at the Albany Theatre on April 11.

Free Show If It Doesn't Satisfy

Beaumont, April 8.—Jules Gordon, head of Jefferson Amusement Company, saw Paramount's "The Biscuit Eater" at a special screening here and is so enthusiastic over its entertainment value that he will give it an unusual campaign when it plays first run here.

So confident is Jules Gordon of the human interest and box office appeal of "The Biscuit Eater," that he plans no admission charge. After the performance, any person who did not enjoy the picture will not have to pay.

"The Biscuit Eater," said Gordon, "is a box office natural, and will please any type of audience anywhere. I'm taking no chances."

(ADV.)

"THE BISCUIT EATER"

Drawn especially for
"The Biscuit Eater" by
Morgan Dennis...avail-
able for your campaign.



"... there is no romance in
the world like the romance
of a boy and his dog..."



Pardon him for pointing...

but he's mighty proud of the celebration in his honor. He's Paramount's "THE BISCUIT EATER" and he makes his debut on April 11 at Albany, Georgia... the state's biggest event since G. W. T. W.... the most unusual Premiere ever planned. Personal appearances of canine celebrities... more than 300 exhibitors and newspaper men present... wire service and newsreel coverage... 3 coast-to-coast broadcasts... Premiere Charity Ball... what a send-off for "THE BISCUIT EATER," the greatest heart picture of the year! Released Nationally May 24th.



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APRIL 12th FOR THE COMPLETE STORY OF ONE
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Brief,
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VOL. 47. NO. 71

NEW YORK, U. S. A., WEDNESDAY, APRIL 10, 1940

TEN CENTS

Scandinavian Market Loss Is Likely Now

Extension of War Threat To Film Trade

Complete loss of the Scandinavian market looms as a possibility due to the extension of the European war to Denmark and Norway.

The Scandinavian market, including Sweden and Finland in addition to Norway and Denmark, is one of the most important European markets remaining. It returns an estimated \$3,000,000 annual net profit to American distributors and has been singularly free of serious monetary restrictions since the outbreak of the war seven months ago.

Although Sweden has not been invaded in the newest military movement, her fortunes are so closely allied with those of the other Scandinavian countries that it is certain that all public life in Sweden will be vitally affected as a result of the new developments. In times of crises, theatre patronage in countries so situated virtually disappears. This will apply as well to the remoter sections of Norway not yet invaded.

The four Scandinavian countries account for approximately four per cent of the distributors' entire foreign revenue. The entire South American market, by way of comparison, accounts for about 14 per cent.

Universal Plans 2 Regional Meetings

Universal will hold two regional sales conventions early in May, W. A. Scully, vice-president and general sales manager, said yesterday.

The first will be held in Atlantic City, probably during the first week in May, and the second in Chicago the following week. Definite dates are to be set by Scully in the near future.

At the meetings Universal will announce a new season's production schedule numerically, the same as last year, 36 features and 14 westerns.

Final new season's product conferences began at the home office yesterday with Nate J. Blumberg, president, Scully, John Joseph, advertising and publicity director, and other officials attending. F. J. A. McCarthy, eastern sales manager, and W. J. Heinemann, western sales manager, both of whom have just returned to the city, will join in the conferences beginning today.

Neely Asks Divorcement In New Senate Measure

See Divorcement Bill as Alternative Anti-Trust Move by U. S.

Introduction in the Senate yesterday of a theatre divorcement bill by Senator Neely, coupled with his pending block booking and blind buying measure, perpetuates the threat to major companies of the essentials of the Government's anti-trust suits, regardless of the outcome of those suits.

Theatre divorcement and block booking have been cited by Government representatives as the principal aims of the suits. Now, whether the suits are settled out of court or dismissed after trial, the same issues will face the industry in the form of legislation, thereafter.

This situation recalls the statement made by Thurman Arnold when the Government's New York anti-trust suit was filed in July, 1938, that if the Government lost the case on a trial it would endeavor to obtain the enactment of legislation to accomplish the purposes of the suit.

In the opinion of numerous industry executives and attorneys, however, legislation of this kind is vulnerable from the standpoint of constitutionality, and if enacted undoubtedly would be contested by the industry up to the U. S. Supreme Court.

The only previous experience the industry has had with divorcement legislation was that enacted by the North Dakota legislature in 1937. Paramount, the only company affected by that statute, attacked its constitutionality in a Federal statutory court and lost. The company had brought an appeal to the U. S. Supreme Court when the North Dakota legislature repealed the divorcement measure, ending the litigation.

Ginsberg Will Share In LeBaron Duties

HOLLYWOOD, April 9.—William LeBaron will relinquish his executive duties at the Paramount studio in the near future to Henry Ginsberg in order to concentrate exclusively on production assignments.

Ginsberg's appointment last week as general manager in charge of studio operations makes it possible for him to relieve LeBaron of many management functions which he has performed hitherto. Indications are that under the new setup LeBaron will be personally responsible for a greater number of productions.

Majors Win Move For Gov't. Replies In Oklahoma Suit

OKLAHOMA CITY, April 9.—Motions for bills of particulars which would require the Government to set forth specific allegations of conspiracy among major distributors and the Griffith Amusement Co. have been granted the defendants in the Government's Oklahoma City anti-trust suit by Judge Edgar S. Vaught in U. S. District court here.

The court's decision granting the defendants' motions takes pains to interpret the law involved while rejecting the Government's contentions that the information that the defendants would require it to give is already known to them, and that to furnish the specific information would make the pleadings "too voluminous."

To the Government's first objection, Judge Vaught replies: "It is no defense to a motion for a bill of particulars to say that the information which the defendants seek is within their knowledge. . . . Each of the defendants has a right to know what he or it is alleged to have done which made him or it a part of the conspiracy and these acts should be alleged with sufficient definiteness, not only to enable the defendant to meet

(Continued on page 4)

Writers Off Today For 'Eater' Opening

Syndicate and trade paper writers depart today for the world premiere of Paramount's "The Biscuit Eater" at the Albany Theatre, Albany, Ga., tomorrow.

The following syndicate, magazine and trade paper representatives will be aboard the special car of the Crescent Limited, which leaves Penn Station at 2:25 P.M. today:

George Beal, United Press; George Lait, International News Service; John Dema, Herald-tribune News Service; Frank Gebman, Acme News Photos; Ben Greenhaus, Times Wide World; Dale Harrison, George Mathews, Adams Syndicate; John Lindsev, Associated Press; Fred Menaugh, King Features Syndicate; Hazel

(Continued on page 4)

Trade Opinion Divided Regarding Consent Decree Effect

WASHINGTON, April 9.—A bill for complete separation of exhibition from all other branches of the industry was introduced in the Senate today by Senator Matthew M. Neely of West Virginia.

Opinions on the effects which introduction of the divorcement bill may have upon the current discussions of an out-of-court settlement of the Government's anti-trust suits against the industry were sharply at variance here.

Some quarters held that it signaled Congressional opposition to the settlement of the suit proposed by the Department of Commerce, which does not provide for separation of exhibition from production and distribution, and which would permit picture sales in small blocks. These observers felt that the new Neely bill would bring about the immediate and complete collapse of the settlement discussions, since the major companies which might have accepted a consent decree would be in future danger of losing by legislation everything that they stood to gain now in accepting a settlement.

Others believed that the divorce-

(Continued on page 5)

20th-Fox Men Start For Chicago Today

Twentieth Century-Fox delegations leave tonight for Chicago to attend the company's annual sales convention which will start Friday for three days at the Drake Hotel. Herman Wolber, general sales manager, who will preside at all sessions, on Saturday will outline the production program.

Darryl F. Zanuck, vice-president in charge of production; William Goetz, vice-president and assistant to Zanuck, and Joseph M. Schenck, chairman of the board, are scheduled to address the convention.

In addition to company executives, home office sales executives and departmental heads, the attendance will include district and branch managers, salesmen, head bookers and others. The official convention list numbers 248 persons.

The Eastern and home office delegations will leave New York at 5:15 o'clock on a special train on which

(Continued on page 5)

SWG, Producers Will Resume Talks

HOLLYWOOD, April 9.—Indications today were that negotiations between the Screen Writers Guild and the producers for a collective bargaining agreement would be resumed shortly. It was announced last night following a meeting of the executive board of the guild that Paramount has accepted an invitation for an early meeting to reopen discussions and that invitations have been sent to all other majors.

Negotiations bogged down last year following the adamant stand taken by both producers and the guild on three salient points. The guild insisted on at least an 80 per cent guild shop, right of the writers to create their own material during layoff periods and the tenure of the contract to be no longer than three and a half years.

Since that time the Guild has charged before the N.L.R.B. that producers have violated the Wagner Act; Trial Examiner J. J. Fitzpatrick has filed an intermediate report in which he upheld the S.W.G. contention that the studios interfered with writers organizing but held there was no basis for the charges producers failed to bargain; and finally the Screen Playwrights, Inc., contract with studios has been dissolved.

Has 15 Czech Films

Edgar E. Lloyd plans the release in this country of 15 Czechoslovakian pictures, all made prior to the German occupation of the country. He will leave shortly for Chicago to arrange the opening of the first, "Merry Wives."

◀ Purely Personal ▶

JAMES A. CRON, advertising manager of MOTION PICTURE DAILY, is in New Rochelle Hospital, where he underwent an operation for a fractured kneecap, suffered in a fall at his home Monday night. He is expected to be confined to the hospital for about 10 days.

KEITH GOLDSMITH is en route to Mexico City on an assignment for 20th Century-Fox. He will work under the supervision of GUSTAV MOHME, managing director at Mexico City.

CHARLES COHEN of HOWARD DIETZ's staff at M-G-M and MRS. COHEN today observe their second wedding anniversary.

JACK FINDLAY, Westerly, R. I., and Mystic, Conn., exhibitor, is vacationing in the Carolinas with his family.

ROBERT MUNZNER, assistant at the College, New Haven, will leave next week for a vacation in Maine.

MAURICE SAFFLE, Seattle branch manager for M-G-M, has returned from a Montana vacation.

FRED PERRY, formerly with Comford Theatres in Scranton and Binghamton, is in town.

MARK SANDRICH, director, is in town, stopping at the Waldorf-Astoria.

EDWIN P. KILROE, copyright attorney for 20th Century-Fox, has returned to his desk, having recovered from a siege of pneumonia.

LOUIS BERNSTEIN, ADOLPH ZUKOR, BARNEY BALABAN, JOSEPH MOSKOWITZ, JACK GOETZ, lunching at Lindy's (51st St.) yesterday. RUBE JACKTER, IRVING SHAPIRO, LOU WEINBERG at Lindy's, adjoining the Rivoli.

A-MIKE VOGEL participates in a round table discussion on showmanship today at the St. George, Staten Island, with Fabian theatre managers in the HARRY BLACK division.

MILTON KUSEL, ERNO RAPEE, TOBY GRUEN, JOSEPH UNGER, RALPH AUSTRIAN and JOSEPH SCHULTZ at Nick's Hunting Room in the Astor for lunch yesterday.

NATE SPINGOLD, OSCAR DOOB, JACK COHN, ABE SCHNEIDER, ABE MONTAGUE, HARRY GOETZ and WILLIAM GERMAN lunching at Bob Goldstein's Tavern yesterday.

WILLIAM F. RODGERS, MORT BLUMENSTOCK, JACK PEGLER, JOSEPH BERNHARD and SAM SHAIN lunching at Dinty Moore's yesterday.

LEILA ERNST has left the Paramount studio en route here to resume her role in the Broadway musical, "Too Many Girls."

OSCAR A. DOOB, advertising and publicity director for Loew's, returned to his office yesterday after a few days' illness.

JOHN BALABAN of B. & K. theatres, Chicago, is in town.

Joseph Confers Here

John Joseph, advertising and publicity director of Universal, arrived yesterday from the Coast. He will be here about two weeks, conferring with home office executives on new season's product.

Quota Situation Still Not Finally Settled

LONDON, April 9.—Despite the declaration of the British Board of Trade yesterday that the present quota is to be retained, inquiry today confirms the belief that the situation still is not finally settled.

Producer, exhibitor and labor groups are of the opinion that the quota will be retained on its present footage basis, but American distribution interests here insist emphatically that their position in the film legislative and quota situation is still undetermined. American distributors are seeking a monetary, rather than a footage basis for the quota.

The Government is understood to be devoting considerable attention to the plan proposed some time ago for financing production, both from the standpoint of Government guarantees and the position of the industry.

New York Group To Dallas April 16

The New York delegation which will go to Dallas for the National Variety Club convention in Dallas, April 19 and 20, will leave here April 16 at 3:35 o'clock on special cars of the New York Central Railroad's Missourian. The cars will operate direct to Dallas without change, arriving there April 18. Arrangements have been made for New Yorkers to return here April 23. Train reservations may be made with Charles E. (Chick) Lewis, 1501 Broadway.

Officers, Directors Of W. E. Reelected

At the annual meeting of stockholders of Western Electric Co. yesterday all directors were reelected with the exception of Charles L. Rice, who retired from active service in the company on Jan. 10.

At the annual meeting of the directors, all officers of the company were reelected.

Donovan's Daughter Dies

FREDERICKSBURG, Va., April 9.—Patricia Donovan, 23, daughter of Col. William J. Donovan, of the law firm of Donovan, Newton, Leisure and Lumbard, and chief counsel for RKO in the Government anti-trust suit, died here today of injuries sustained in an auto accident.

LUXURIOUS SKYSLEEPERS!
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plain and desert. Only American
flies the smooth, Southern
All-Year Route!



Go American

The Southern All-Year Route
Overnight to California

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MOTHERS"
FROM
EDDIE CANTOR

"As long as
this baby is
at large, no
actor is safe!"



FORTY LITTLE MOTHERS

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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TODAY

Special M-G-M Flash!



RIVERSIDE, CAL. Spencer Tracy again takes the industry spotlight as a result of the preview here of his most sensationally thrilling role in "Edison, the Man." The spellbound audience gave this great Clarence Brown production a reception never duplicated here and today has brought a flood of Preview Cards for "Edison, the Man" which are the most unanimously enthusiastic ever received on any M-G-M picture.



M-G-M

Majors Win Move For Gov't. Replies In Oklahoma Suit

(Continued from page 1)

the charge with proof at the time of trial, but to prepare his or its answer to the complaint."

To the Government's contention that the filing of a bill of particulars would make "too voluminous" a record, the court replies, in effect, that the action was brought by the Government and it requires "voluminous pleadings" that is not the fault of the defendants.

Judge Vaught denied the defendants' motions for particulars in the first 35 instances, which relate to the names, business locations and character of the business of the defendants and to definitions of trade terms. He granted the defendants' motions for particulars in the final 15 instances, which relate to the Government's actual allegations that the defendants conspired to monopolize interstate trade.

"These allegations," Judge Vaught's opinion states, relating to the last 15, "are of a general nature and the violations alleged are more conclusions of the pleader (the Government) than statements of facts."

The court granted the Government 60 days in which to file an amended complaint in line with its decision and gave the defendants 30 days thereafter "to plead further."

The ruling presumably ends further progress in the case until next Fall, since the Federal court adjournment for the Summer probably will intervene.

MPPDA Asks New Wage-Hour Revisions

WASHINGTON, April 9.—Exception from the hour provisions of the Fair Labor Standards Act of executives getting not less than \$50 per week, administrative employees paid \$30 a week or more and professional workers with salaries of \$200 a month or over, was asked by the M.P.P.D.A. at hearings opening today before the Wage-Hour administration on revision of definitions of "white collar" workers.

The suggestions of the film industry were among a number of recommendations submitted by various trades for the easing of the definitions promulgated by former Wage-Hour Administrator Elmer F. Andrews for executive, administrative and professional workers.

The salary requirements suggested by the industry were, of course, in addition to stipulations as to the type of work done by employees in the categories under consideration.

The purpose of the hearings, which are expected to run a week or more, is to develop a basis for new definitions of "white collar" workers who are to be exempted from the minimum wage provision and the requirement of one and one-half regular pay for overtime provided in the Wage-Hour Act.

Takes Albany Office

ALBANY, April 9.—Monogram will take over Grand National's old exchange here on May 1. The manager will be Nate Sodikman, formerly in Buffalo, while Mitchell Panzer, will do the booking.

New York Preview

"'Til We Meet Again"

(Warners)

The emotional impact and romantic qualities that made "One Way Passage" excellent entertainment several years ago are undimmed in this version, which has Merle Oberon and George Brent in the leading roles.

Besides those two, showmanship effort may direct attention to the entire cast, which includes as principals also Pat O'Brien, as an understanding detective; Geraldine Fitzgerald and Binnie Barnes, and Frank McHugh, who contributes the humorous relief with Eric Blore as a foil.

Edmund Goulding directed the film with keen appreciation of the opportunities for character development. Warren Duff's screenplay from the original story by Robert Lord is fresh and at times delivers sparkling dialogue.

The picture stirs the emotions, evokes sympathy for its characters and possesses particular appeal for feminine patrons.

Merle Oberon is excellent as the girl with a serious heart ailment who by chance meets George Brent at a bar in Hong Kong. They are, also accidentally, passengers on a boat en route to the United States. She, knowing death is near, is bent on having her last fling. He is the prisoner of Pat O'Brien, a relentless but understanding detective who is taking him back to San Francisco and a trial for murder, with the electric chair looming large. The action unfolds during the voyage. The two are radiantly happy, but there always is the foreboding that they will be parted never to be together again. The foreordained happens, and their scheduled rendezvous in Mexico City never comes to pass. The ending in which two glasses supernaturally break and the stems cross is symbolic of lovers' belief that they will never be parted in the hereafter.

Hal B. Wallis was executive producer, with David Lewis as associate producer.

Running time, 99 minutes. "G."*

ALFRED FINESTONE

*"G" denotes general classification.

A Real Gift

Camden, N. J., April 9.—On the marquee of the Rio Theatre here there appeared the following legend: "Free Gifts to the Ladies. Also a Big Westerner."

U. S. to Drop Ramish, Rogers from Action

The Government will apply on Friday for an order dropping Charles R. Rogers, former vice-president and director of Universal, and Adolph Ramish, a former director, as defendants in the Government's New York anti-trust suit, it was revealed yesterday.

Rogers and Ramish are no longer connected with Universal and the application will state this as the ground for the dismissal against them.

Charles D. Prutzman, general counsel and director of Universal, will be substituted in place of Rogers as a defendant to the suit.

Brandt to Operate New 43rd St. House

Broadway's newest theatre, the New York, situated on 43rd St., will be operated by the Brandt circuit, under the supervision of Harry Brandt.

Erected by the New York Life Insurance Co., the house was originally leased to Consolidated Amusement Enterprises. Brandt acquired the lease, for a 21-year period, through Myles E. Rieser.

Executives Attend Diamond Services

Funeral services for Lou S. Diamond, head of the Paramount short subjects department, were held yesterday afternoon at Riverside Memorial Chapel with scores of industry executives and prominent figures in the talent and music fields in attendance.

Burial in Mt. Pleasant Cemetery, Westchester, was private.

Among those attending the services at the chapel were the following:

Barney Balaban, John Balaban, Stanton Griffis, Sam Dembow, Leon Netter, Leonard Goldenson, Russell Holman, Hiller Innis, Austin Keough, J. J. Unger, Charles Reagan, Alec Moss, Al Wilkie, Herb Berg, Dick Murray, Ed Fay, Harry Royster, Eddie Brown, John McDermott, Frank Meyer, Milton Kusell, Harry Nadel, Leslie Roush, Justin Herman, Bob Weitman, Ben Griefer, Herman Lober, Arthur Dunne, Harry Kalchein, M. F. Gowthorpe, Louis Phillips.

Also Charles Zenker, O. O. Dillenberg, Lanny Ross, Jessica Dragonette, Leo Robin, Benny Goodman, Kay Kyser, Frankie Masters, Phil Spitalny, John Paine, Sammy Kaye, Irving Mills, Gus Schrimmer, Carl Fischer, Benny Field, Jack Rosenberg, Orrin Tucker, Ginny Simms.

Metro Buys 'Tortilla'

HOLLYWOOD, April 9.—M-G-M has purchased John Steinbeck's "Tortilla Flat," for early production. Benjamin Glazer will write the screenplay. Originally purchased by Paramount, the book was shelved, then purchased by Glazer when he was at Paramount.

Tips on Exploitation

Pigtail Contest Is Used for 'Primrose'

KANSAS CITY, April 9.—Manager Lawrence Lehman of the Orpheum here, tied-in with the *Journal* for a newspaper contest centered around pigtailed as worn by Ginger Rogers in "Primrose Path." Girls were asked to send in their pictures with a pig-tail hair dress. The best 20 were awarded guest tickets to the Orpheum.

'Pinocchio' Figures Aid Montreal Run

MONTREAL, April 9.—Two youngsters, false-faced with facsimiles of "Pinocchio," are inviting Montreal children into Loew's. The exploitation calls attention to the fact that children are permitted to see this show, the ban having been lifted temporarily.

Limerick Contest Used on Autry Film

CLEVELAND, April 9.—A limerick contest run in the *Plain Dealer* was one of the ways attention was drawn to Gene Autry's "Rancho Grande," which opened simultaneously at 12 neighborhood houses for its first Cleveland run.

Lucky Wheel in Lobby Used on 'It's a Date'

NEW HAVEN, April 9.—John Hesse held up lobby traffic at the Roger Sherman with a stunt for "It's a Date." Hesse built a six-foot lucky wheel, bearing the days of the month. Patrons spinning to the opening day, April 10, won guest ticket.

Weil Transferred

ALBANY, April 9.—Universal has replaced its salesman here with Charles Weil, formerly in the foreign department, and Irving Schiffman, from the Boston exchange.

Writers Off Today For 'Eater' Opening

(Continued from page 1)

Mieth, *Life Magazine*; Sam Shere, *International News Photo*; Fred Smith, *Liberty Magazine*; Jesse Zunker, *Cue Magazine* and Kenneth McCaleb, *Daily Mirror*.

Trade paper representatives include: Roy Chartier, *Variety*; James Cunningham, *Motion Picture Herald*; Sam Shain, *Motion Picture Daily*; Jay Emanuel, *Jay Emanuel Publications*; Irving Hoffman, *Hollywood Reporter*; George Morris, *Film Daily*; William Ornstein, *Box Office*.

Accompanying the group will be Al Wilkie, Tom Waller, Herb Berg and Ed Sullivan, from the Paramount home office.

Mr. and Mrs. Walter Brennan, Joe E. Brown, Evelyn Keyes and John Howard left the Coast by plane last night for Atlanta to attend the premiere.

'Dilemma' to 55th St.

Film Alliance of the United States has booked "The Mayor's Dilemma," French film, into the 55th St. Playhouse, to follow "The Human Beast."

Newsreel Parade

Two subjects stand out in the new issues: *Army Day* parades here, and the *Finns* in an exodus from the areas ceded to Russia. The reels and their contents follow:

MOVIETONE NEWS, No. 61—Army Day celebrated. Finns leave land ceded to Russia. Ice melts on Danube. British ship, said by Germans, to be sunk, in home port. British Tommies wed. French town ruined by shell fire. New mobile artillery at front. Pope Pius pleads for peace. Puppet government in China. Queen Mary visits war auto factory in England. Mussolini honors widows of fliers. Table tennis matches in Indianapolis. Lew Lehr.

NEWS OF THE DAY, No. 258—Allied war chiefs confer in England. French tractors set for duty. Finns start trek from lost areas. Pope Pius urges peace. Eclipse viewed by many. Norman Thomas is Presidential nominee. Army Day maneuvers in California. Beauty contest at Long Beach. Horse racing in Paris.

PARAMOUNT NEWS, No. 64—Army Day celebrated. Ice removed from Danube. Pope Pius urges peace. Finns abandon territory ceded to Russia. Twin convention in Texas. Socialists nominate Thomas. "Mad Arts Ball" in New York. Scientists study eclipse. Trout season opens. Billiard championships in Chicago. Sweepstake winner.

RKO PATHE NEWS, No. 76—Army Day maneuvers. Thomas heads Socialist ticket. Finns evacuate areas ceded to Reds. Candid camera contest. Golf tournament in Georgia. Shots of British ship said to be sunk. Table tennis championships in Indianapolis.

UNIVERSAL NEWSREEL, No. 865—Finns leave former homeland. Ark Royal in British port. Army Day parade. Pope Pius in Easter rites. Rescue lost mountain climber. Beauty contest. "Mad Arts Ball" in New York. Trout season opens. Hoppe wins billiard title. Wrestling in Washington.

Para. Plans \$170,000 Suit Against Ameche

HOLLYWOOD, April 9.—Paramount tonight announced it was filing suit against Don Ameche for approximately \$170,000 damages it allegedly sustained when Ameche refused to work in its "The Night of January 16."

Y. Frank Freeman, studio head, declared Ameche was borrowed from 20th Century-Fox and his failure to report for the picture cost approximately that amount in producer and director charges, writing costs, set construction and other expenditures.

Boris Morros Forms New Film Company

HOLLYWOOD, April 9.—Boris Morros and Robert Stillman have dissolved Boris Morros Prod., Inc., and formed National Pictures Corp. The new company's first picture, "Second Chorus," will feature Paul Whiteman and his band and will be directed by H. C. Potter. No release has been set yet.

Morros heads the new firm, Robert Stillman is vice president and treasurer, John Stillman, member of the board; Sam Rheiner, secretary, and A. Robert Simon, attorney.

Clark, Inc., 35 Years Old

Peter Clark, Inc., manufacturers of stage equipment, recently celebrated its 35th anniversary. Arthur Clark, son of the founder, as vice-president and director of the company, is operating head. Clark reports the 1939 gross as close to \$500,000.

20th Century-Fox Sales Force Ready for Chicago

(Continued from page 1)

will be the staffs from Boston, Philadelphia, Pittsburgh and New Haven.

National Theatres executives who will be guests at the convention include Spyros Skouras, operating head; Elmer Rhoden, Fox Midwest division manager at Kansas City; Harold J. Fitzgerald, general manager of Wisconsin Amusement Enterprises, Milwaukee; and Ed Zabel, Milton Hossfeld and Aubrey Schenck.

Movietone will be represented by Truman H. Talley, vice-president; Edmund Reek, general manager; Lowell Thomas, Ed Thorgersen, Lew Lehr, Vyvyan Donner and Tony Muto. Alan Freedman, president of DeLuxe Laboratories, will attend.

Others will include: sales department, Jack Sichelman, Martin Moskowitz, William Sussman, William Kupper, William C. Gehring, William Clark, E. H. Collins, Clarence A. Hill, T. A. Shaw, Roger Ferri, Jacob Bloom, Isadore Lincer, H. A. Mersay, Eugene McEvoy, S. J. Epstein; legal department, Felix A. Jenkins, general counsel, and Percy Heiliger; advertising and publicity, Charles E. McCarthy, advertising and publicity director, Arch Reeve, E. W. Wingart, W. C. Wilbert, Rodney Bush, Morris Kinzler, Eddie Salomon; ad sales department, Ed Hollander, Jerry Novat.

Walter J. Hutchinson, director of foreign distribution, will head a foreign department delegation, including Irving A. Maas, Leslie F. Whelan and E. S. Frazer.

Terrytoons will be represented by Paul Terry, producer; Harvey Day and William Weiss. Hettie Grey Baker will represent the censorship department.

Field staffs at the convention will include the following:

Eastern Division

Albany—M. A. Grassgreen, Mgr.; F. G. Sliter, Ben Dare, Daniel R. Houlihan. Boston—T. H. Bailey, Dist. Mgr.; E. X. Callahan, Mgr.; Harry S. Alexander, Sales Mgr.; J. A. Feloney, J. M. Connolly, Harry Gold, Milton E. Simons, Samuel Berg. Buffalo—Sydney Samson, Mgr.; W. C. Rowell, G. E. Dickman, George Sussman. Cincinnati—J. J. Grady, Mgr.; Robert O. Laws, Sales Mgr.; E. A. Burkhardt, J. A. Needham, L. J. Bugie, E. C. Naegel, James B. Neff.

Cleveland—G. A. Roberts, Dist. Mgr.; I. J. Schmetz, Mgr.; Theodore Scheinberg, E. R. Bergman, S. N. Lichter, F. J. Hunt.

New Haven—B. A. Simon, Mgr.; Earl L. Wright, Sam Germain.

New York—H. H. Buxbaum, Mgr.; J. J. Lee, Sales Mgr.; Morris Sanders, Morris Kurtz, Joseph St. Clair, William Schutzer, Abe Blumstein, Seymour Florin, George Blendenman.

Philadelphia—Edgar Moss, Dist. Mgr.; Samuel Gross, Mgr.; Alfred J. Davis, Sales Mgr.; W. G. Humphries, B. R. Tolmas, J. Howard Smith, F. J. Kelly.

Pittsburgh—Ira H. Cohn, Mgr.; C. C. Kellenberg, Sales Mgr.; E. S. Thorpe, Austin Interrante, George Moore, J. B. Hanna.

Washington—S. N. Wheeler, Mgr.; J. M. Cohan, Samuel Diamond, F. B. Klein, J. A. Murphy, C. G. Norris, Mrs. Sarah S. Young.

Central Division

Chicago—C. W. Eckhardt, Mgr.; E. P. Grohe, Harold Loeb, Harold Goodamote, Milton E. Simon, A. M. Van Dyke, Arnold L. Monnette, Jack Eckhardt, W. C. Hallowachs, Howard M. DeTamble, John J. Horky.

Des Moines—S. J. Mayer, Mgr.; Harry Gottlieb, A. W. Riegelman, Evan Jacobs.

Detroit—Lester Sturm, Mgr.; A. D. Knapp, E. A. Westcott, Roy Carrow, Floyd Keillor, Leland Sanshie.

Indianapolis—George T. Landis, Mgr.; J. R. Neger, Sales Mgr.; H. L. Hancock, C. J. Black, Thomas O. McCleaster, K. L. Dotterer.

Milwaukee—J. N. Lorentz, Mgr.; Morris Horwitz, George Edgerton, Carl Michel, Meyer Kahn, Eugene Sichelman.

Minneapolis—M. A. Levy, Dist. Mgr.; J. M. Podloff, Mgr.; Earl Lorentz, J. S. Cohan, W. G. Mussman, Louis Cohen, N. F. Hall, Harold Lyons, Paul E. Lundquist.

Omaha—J. E. Scott, Mgr.; Gordon F. Halloran, H. P. Ironfield, Harry Levy, R. A. Wagler.

Canadian District

Calgary—V. M. Skorey, Mgr.; F. L. Scott.

Montreal—Edward English, Mgr.; J. F. Pearson, John Casey.

St. John—R. G. March, Mgr.

Toronto—J. P. O'Loghlin, Dist. Mgr.; M. J. Bailey, Mgr.; W. J. Reid, Lionel Lester, Elroy O'Loghlin.

Vancouver—J. E. Patterson, Mgr.; E. H. Teel.

Winnipeg—J. H. Huber, Mgr.; Charles Krupp.

Western Division

Atlanta—H. G. Ballance, Dist. Mgr.; Paul S. Wilson, Mgr.; R. G. McClure, Sales Mgr.; Maurice Mitchell, R. N. Fairchild, Fred R. Dodson, H. P. Laseter, R. H. Ford.

Charlotte—Phil Longdon, Mgr.; J. E. Holston, G. E. Ebersole, J. O. Mock, C. T. Hardin.

Dallas—H. R. Beiersdorf, Mgr.; W. S. Miller, Sales Mgr.; J. E. Gribble, N. B. Houston, D. W. Scott, Truman Hendrix, T. P. Tidwell.

Denver—R. J. Morrison, Mgr.; Hugh Rennie, L. C. Paulson, C. A. Larson.

Kansas City—W. E. Scott, Dist. Mgr.; G. W. Fuller, Mgr.; W. J. Kubitzki, Sales Mgr.; Jos. F. Woodward, Chas. Knickerbocker, Howard Kinser, M. A. Tanner.

Los Angeles—J. W. Dillon, Mgr.; W. T. Wall, B. F. Robison, Morris Sudmin.

Memphis—T. W. Young, Mgr.; Nat Wyse, T. I. Baskin, Mark Sheridan.

New Orleans—E. V. Landaiche, Mgr.; H. P. Shallcross, G. R. Pabst, G. J. Broggi.

Oklahoma City—C. W. Clark, Mgr.; N. W. Osborne, G. L. James, G. K. Friedel.

Portland—C. F. Powers, Mgr.; C. L. Robinett, H. L. Fox.

St. Louis—B. B. Reingold, Mgr.; J. A. Feld, G. H. Ware, L. J. Williams, Abe Eskin, Miss Florence Patke.

Salt Lake—C. L. Walker, Mgr.; C. A. Blasius, C. J. Wallstrom, J. L. Tidwell, V. J. Dugan, P. M. Smoot.

San Francisco—G. M. Ballentine, Mgr.; Alfred Laurie, J. M. Erickson, F. C. Bernard, J. W. Flanagan.

Seattle—Herndon Edmond, Mgr.; J. W. Spear, H. A. P. Frederick, J. W. Brooks.

Tucson Celebrates Start of 'Arizona'

TUCSON, Ariz., April 9.—Ruggles Day was observed here Sunday with Gov. R. T. Jones of Arizona and the mayors of 23 towns participating in the dedication of Columbia's \$500,000 adobe city for the filming of "Arizona," from the Clarence Buddington Kelland novel.

Wesley Ruggles, who will direct the film, was the guest of honor and was designated state historian.

Columbus May Raise Fees for Operators

COLUMBUS, O., April 9.—An ordinance, approved by projectionists, which would increase fees for their annual renewal of licenses from \$1 to \$2, has been introduced in City Council by Capt. E. J. Brophy, head of the City Fire Prevention Bureau. It also provides that new projectionists be required to pay a \$25 fee for the first year. They now pay \$1.

Neely Seeks Divorce By Legislation

(Continued from page 1)

ment bill might spur the company defendants to an early settlement of the suit and might even be the determining factor for acceptance of the proposed decree by companies which are undecided or opposed to a decree now.

These observers point out that a number of the companies might be influenced to take this action in the hope of averting the legislative threat. It is recalled in this respect that the Department of Commerce might be expected to intervene in Congress on the industry's behalf in the event its proposed settlement was accepted, and that such intervention might reasonably be expected to be effective.

Provisions of Bill

Neely's divorcement bill would make it unlawful for any producer or distributor "to own, control, manage, buy or book films for, or operate, in whole or in part, any motion picture theatre or theatres located in any state, territory or the District of Columbia, or to have any interest, direct or indirect, legal or equitable, through stock ownership or otherwise in any such motion picture theatre or theatres."

Violations of the act would be punishable by fines up to \$5,000 or imprisonment for not more than one year, or both, and officers, directors and agents of corporations could be held responsible for the acts of their companies.

In introducing the bill, Neely pointed out that it supplements his block booking measure and said that passage of the two "will accomplish important and necessary reforms in the public interests." He attacked the major companies and criticized the rulings of the U. S. District court in New York which did not uphold the preliminary moves of the Department of Justice in the New York anti-trust suit.

Criticizes Court Rulings

Neely referred specifically to recent decisions by Federal Judge Henry W. Goddard denying the Government's motion for an order to "protect" prospective Government witnesses from "coercion, intimidation and retaliation by the 'Big Eight,'" and the granting of defendants' motion for detailed bills of particulars and a list of Government witnesses.

Neely indicated that he would seek hearings on his divorcement bill during this session of Congress, but it is not likely that there will be sufficient time for passage even if the Senate and House committees which will have charge of it are willing to give it consideration this year.

William LaFoy Dies

GREENVILLE, S. C., April 9.—William Lee LaFoy, 50, veteran, projectionist at the Rivoli here, died after a brief illness. LaFoy had been associated with the company operating the Rivoli for more than 20 years. Surviving are his widow and three daughters.

'Virginia City' Hub Winner With \$22,000

BOSTON, April 9.—The Metropolitan showed the best strength, as "Virginia City" grossed \$22,000. Of the town's two holdover shows, "Pinocchio" took \$18,000, and "Rebecca," playing at the two Loew houses, State and Orpheum, grossed \$12,000 and \$16,000, respectively.

Estimated grosses for the week ending April 3:

"Midnight Limited" (Mono.)

"Little Orvie" (RKO) four days, with vaude.

"Missing Evidence" (Univ.)

"Death Goes North" (Warwick) three days.

KEITH BOSTON—(3,200) (25c-30c-40c) Gross: \$7,500. (Average, \$8,000)

"Pinocchio" (RKO)

"Ma, He's Making Eyes At Me" (Univ.)

KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$18,000. (Average, \$16,000)

"Three Cheers for the Irish" (W. B.)

"Double Alibi" (Univ.)

PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$6,000. (Average, \$7,500)

"Three Cheers for the Irish" (W. B.)

"Double Alibi" (Univ.)

FENWAY—(1,332) (25c-35c-40c-55c) 7 days. Gross: \$4,000. (Average, \$4,500)

"Virginia City" (W. B.)

"Calling Philo Vance" (W. B.)

METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$22,000. (Average, \$15,500)

"Castle on the Hudson" (W. B.)

"Seventeen" (Para.)

SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$5,000. (Average, \$4,000)

"Rebecca" (U. A.)

"Outside the Three Mile Limit" (Col.)

LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$12,000. (Average, \$12,000)

"Rebecca" (U. A.)

"Outside the Three Mile Limit" (Col.)

LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$16,000. (Average, \$17,000)

'Singapore' Draws \$8,000, Kansas City

KANSAS CITY, April 9.—In spite of fine weather and little outside competition, post-Easter week was only fair. "Road to Singapore" made the best comparative showing for the second consecutive week, taking \$8,000 at the Newman. "Strange Cargo" and "The Ghost Comes Home" gave the Midland \$10,000.

Estimated takings for the week ending April 2-4:

"The Blue Bird" (20th-Fox)

ESQUIRE—(800) (25c-40c) 5 days. Gross: \$1,800. (Average, 5 days, \$1,800)

"Strange Cargo" (M-G-M)

"The Ghost Comes Home" (M-G-M)

MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$10,000. (Average, \$9,500)

"Road to Singapore" (Para.)

NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: \$8,000. (Average, \$7,000)

"Pinocchio" (RKO)

"Courageous Dr. Christian" (RKO)

ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: \$4,100. (Average, \$5,000)

"Mutiny in the Big House" (Mono.)

TOWER—(2,200) (25c) 7 days. Stage: Norvel, Stevens Bros. & Big Boy, Martin & Allen. Gross: \$6,000. (Average, \$6,000)

"The Blue Bird" (20th-Fox)

UPTOWN—(2,000) (25c-40c) 5 days. Gross: \$2,200. (Average, 5 days, \$2,800)

MacIntyre Ends Tour

Herb MacIntyre, captain of the RKO Ned Depinet sales drive, and Harry Michalson, short subject sales manager, have completed a tour of the company's 38 exchanges in the United States and Canada. They left New York on Feb. 23. The drive will end May 10.

Theatre and Personnel Notes

Plan New Chicago House

CHICAGO, April 9.—Plans are being drawn for a 1,200-seat theatre and business building in the Morgan Park area. The owner is the 111th and Western Building Corp. and the reported cost will be \$130,000. The theatre has been leased for 20 years, with an option to renew for 10 years, to the Westmore Amusement Corp.

Building Georgia Theatre

EAST POINT, Ga., April 9.—The East Point Amusement Co., of which Fred Coleman is vice-president, has started work on a new community theatre, seating approximately 700. The amusement concern is a subsidiary of Lucas & Jenkins.

Reopens Theatre in Iowa

AURELIA, Iowa, April 9.—J. C. Eding has reopened the Community here. The theatre had been closed during February and March due to high operating costs and poor attendance caused by cold weather.

Remodels Kansas House

KANSAS CITY, April 9.—C. R. Gregg is closing the Liberty at Caney, Kan., for two months while the house is remodeled.

Joins Paramount Exchange

DES MOINES, April 9.—Dale Yarnan, postal clerk at the Columbia exchange here, has gone to the Des Moines Paramount exchange to be assistant shipper, trading jobs with Robert Kurtz, former assistant shipper at Paramount, who has gone to the Columbia exchange as postal clerk.

Jack Miller Takes House

PHILADELPHIA, April 9.—Jack Miller, who formerly operated the Lenox Theatre here, has taken over the State Theatre at Etna, Pa., from J. Foreman Corbett.

Shift Essaness Managers

CHICAGO, April 9.—Several changes in management have been made by the Essaness circuit. Ted Morris goes from the West End to the Mode; Roy Zermine from the Mode to the 400, and Jack Burdick from the Vogue to the Mode.

Lofink Joins Universal

KANSAS CITY, April 9.—George Lofink, who has been four years with the Fabian circuit in Albany, N. Y., has joined the Universal exchange here as district booker. He succeeds Joseph Rogatnick, now head booker at the Des Moines office.

Opens Two in Missouri

KANSAS CITY, April 9.—A. A. Lacy has opened a 200-seat house at Carl Junction, Mo., the Carl Junction Theatre, and another 200-seat house at Jasper, Mo., the Jasper. Lacy formerly operated at Humansville, Mo.

Building Canadian House

ST. JOHN, N. B., April 9.—An addition to the Famous Players Canadian circuit is under way here. The house, seating 1,000, will be the third house for the circuit in Moncton. The new house, like the Empress and Capitol, is being erected jointly by F. W. Winter of Moncton and the circuit.

RCA Closes Two Deals

RCA has closed a deal for sound service with the William Goldman theatres in eastern Pennsylvania. The company also closed a service agreement for nine theatres of the New York Interboro Circuit.

Remodel Mobile Theatre

MOBILE, Ala., April 9.—Remodeling is planned for the Lyric here. The house recently was returned to the original owner, Clara McDermott, by the Alabama Supreme Court following foreclosure proceedings.

Atlanta Theatre Planned

ATLANTA, April 9.—A new theatre in the Little Five Points community of Atlanta is to be erected by the Community Theatres Co. as soon as zoning requirements can be fulfilled. The house will cost between \$40,000 and \$50,000 and will seat 1,000.

New House in Louisiana

NEW ORLEANS, April 9.—Lionel Delacroix has opened the new \$50,000 Osage Theatre at Plaquemine, La., seating 1,000. A parking lot adjoining the house brings the total cost to \$60,000.

Royal Sells Theatres

GULFPORT, Miss., April 9.—A. L. Royal has sold his interest in Royal-Sigler Theatres, Inc., Hattiesburg, Miss., to Robert O. Sigler and has announced plans for construction of a new 500-seat house here.

Reopen New Orleans House

NEW ORLEANS, April 9.—United Theatres, Inc., has reopened the Happyland Theatre, with George Ziblich as manager. United also has closed the Isis here.

Opens Mississippi House

GLOSTER, Miss., April 9.—Stanley Taylor has opened the Gloster Theatre here, seating 400.

Manages Louisiana House

HAMMOND, La., April 9.—Norman Samaha is manager of the new Rex here. The house seats 800, including a balcony for negroes.

Renovate Louisiana House

FERRIDAY, La., April 9.—Repairs and improvements costing \$6,000 are planned for the Melz-Arcade Theatre here by Morris Melz, operator. A new cooling system and new equipment are included in the project.

Plan St. Louis Drive-In

ST. LOUIS, April 9.—Construction of St. Louis' first drive-in theatre has started. The \$75,000 theatre will be located about 10 miles from the city limits of St. Louis.

Reopens for Weekends

WASHINGTON, Ind., April 9.—The Temple Court of the Switow circuit has been reopened here for weekend showings only.

Garber Replaces Solomon

CHICAGO, April 9.—Jack Garber, former press agent for Ted Weems, takes the position vacated by Eddie Solomon in the B. & K. publicity staff. Solomon joins 20th Century-Fox in New York.

Plan Cleveland Reel House

CLEVELAND, April 9.—Work will start here this month on a newsreel theatre to be opened on Euclid Ave. by the Newsreel Co. of Chicago. The theatre will seat 500 and will be the first of its kind in the city.

Form Ohio Company

STUEBENVILLE, O., April 9.—Carroll Virginia Theatre Co. has been incorporated here with \$20,000 capital, by Edward L., William J. and Charles L. Biggio and T. J. Sherrard. The company will continue operation of the 1,000-seat Grand.

J. R. Wheeler Promoted

CHICAGO, April 9.—J. R. Wheeler, manager of the Lex Theatre here, has been promoted to city manager of the Roxy and Fox Theatres, LaPorte, Ind., succeeding Arthur Wartha. The latter replaces Rex Williams, resigned, at the Elco, Elkhart, Ind.

Two Join Universal

ALBANY, April 9.—Universal here has two new salesmen, Charles Weil, who formerly sold here, and Irving Shuffman of the Boston office. Weil and Shuffman replace Tony Ryan and George Jeffreys.

Sodikman to Monogram

ALBANY, April 9.—Monogram has appointed Nate Sodikman, formerly of its Buffalo exchange, as salesman to replace Gene Lowe.

Goldberg Monogram Salesman

KANSAS CITY, April 9.—Stanley Goldberg, booker and office manager for Monogram, has been named salesman by William Benjamin, branch manager. Richard Salk replaces Goldberg.

Closes House in Kansas

KANSAS CITY, April 9.—Charles Martin has closed his house at Republic, Kan., due to poor business.

Universal Shifts Rogatnick

KANSAS CITY, April 9.—Joseph Rogatnick, district booker for Universal here, has been transferred to the Des Moines exchange as head booker.

Reopening Bronx House

The Moshulu, Bronx, formerly a unit of Consolidated Amusement Enterprises, now dark, will be reopened shortly by Ben Knoble. Seating about 925, the theatre is situated at 284 E. 204th St.

Krieger Quits Universal

CINCINNATI, April 9.—Paul E. Krieger, for the past 10 years Universal manager here, has resigned to join the sales staff of the Hennegan Co., local lithographing concern, specializing in show printing. Peter Rosian, Universal special sales representative in the East, has been appointed Krieger's successor.

Open Indiana House

MARTINSVILLE, Ind., April 9.—The Indiana here, managed by O. L. Prescott, was opened last week.

Building in Indiana

CHURUBUSCO, Ind., April 9.—Fred Pennell, who operates the Busco here, is building a new 450-seat house to replace it.

Asks Removal Of Obstacles To Television

WASHINGTON, April 9.—Distribution of receiving sets will not tend to halt television progress and no obstacles should be put in the way of television program service, the Federal Communications Commission was told today.

Lewis A. Weiss, vice-president of the Lee Broadcasting System, testified to the development work of his organization, likened the current situation to a circle and warned the Commission that it must cut it if the art is to advance. At present, he said, receiver ownership is made dependent upon programs and programs are futile until receivers are in circulation.

Did Theatre Experiments

Harry R. Lubke, television engineer for Don Lee, testified that his laboratories have been working for a year on the development of a television motion picture projector, which he said now has reached practicable form.

Tomorrow, the Commission is scheduled to divide its activities, with the hearing continuing before five members while Chairman Fly appears before the Senate Interstate Commerce Committee to oppose the investigation sought by Senator Lundeen of Minnesota.

Equity to Handle Own Actor Relief

In a renewal of its campaign for Federal relief for actors and actresses, Actors Equity yesterday ordered its members not to participate in any relief campaign except "under Equity orders and leadership." Signing of petitions, or attendance at meetings, not under Equity supervision was prohibited.

The Theatre Arts Committee was singled out as the one group to be expressly named as forbidden to the Equity membership. Last week, Louis Schaefer, director of Labor Stage, condemned T.A.C. as communist-inspired and asked Equity to remain aloof from T.A.C. activities on behalf of a Federal theatre.

Bert Lytell Renominated

Bert Lytell, president of Equity, was named by the nominating committee for reelection. All officers are to be elected for three-year terms at the quarterly meeting to be held May 24 at the Hotel Astor. Others nominated were Walter Huston, first vice-president; Florence Reed, second vice-president; Augustin Denton, third vice-president; Peggy Wood, fourth vice-president; John Beal, recording secretary; and Paul Dullzell, treasurer.

Council nominations for the full five-year terms were Walter Abel, Ruth Hammond, Matt Briggs, Kent Smith, Sam Levine, William David, John Emery, Leon Ames, Audrey Christie and Sam Jaffee. Edith Gresham and Leona Powers were nominated for terms to expire in 1942.

Problems of employment for actors and the establishment of a central casting bureau for the legitimate stage were referred to committees for study.

Radio Meets War Crisis With Thorough Coverage

Radio, having become accustomed to crises after long experience, met the invasion of Denmark and Norway yesterday with widespread coverage. Although there were many red eyes around the stations yesterday as the result of loss of sleep, the coverage was handled almost as a matter of routine.

All the major stations, WEAF, WJZ, WABC and WOR continued on the air right through the night on Monday. Of the networks, only CBS maintained a full 24-hour schedule, NBC kept its wires open until 4 A.M. and then signed off until 8 A.M., while Mutual closed its wires at the regular time. Last night at a late

hour the networks and stations were still undecided about staying open for the full 24 hours but all of them had determined to keep open if the news warranted it.

European pickups were made during the day and later in the evening and news bulletins were made several times each hour. Although programs were interrupted for special flashes, the tendency was to insert them at the interruption of programs for station-break announcements.

All stations had their top notch news men on hand throughout the day and night. With the resumption of interest in war news, Raymond Gram Swing, Mutual commentator, returns to his five-day-a-week schedule.

Breen to Continue On Coast Program

HOLLYWOOD, April 9.—Joseph I. Breen, production code administrator, will act as permanent master of ceremonies on "Ask the Stars" program, now being broadcast over KFWB, Warner station, and the show will be offered for commercial sponsorship, a spokesman for the station revealed today.

Breen appeared as M. C. on the program for the second time last night and it is planned to continue him regularly. The object of the program, now aired locally, is to set up a constructive radio feature about Hollywood and its stars to offset destructive comments now used by certain radio commentators, it was said.

Columbia Changes 'Liberty' Film Title

Title of Columbia's "The Tree of Liberty" was changed yesterday to "The Howards of Virginia."

Decision to make the change followed a poll of film editors and critics throughout the country, which included a request for a new title in the event the original one was not favored. J. Willis Sayre of the Seattle *Post-Intelligencer* submitted the title which was selected.

Frank Lloyd, producer-director of the picture, is now shooting special sequences at Williamsburg, Va., with Cary Grant, Sir Cedric Hardwicke, Richard Carlson and Alan Marshall.

Kuykendall to Speak At Coast Convention

LOS ANGELES, April 9.—Ed Kuykendall, M.P.T.O.A. president, has accepted an invitation to address the first annual convention of the Pacific Coast Conference of Independent Theatre Owners here on May 9, it was announced yesterday.

Tutelman Abandons Suit

PHILADELPHIA, April 9.—Mark S. Tutelman abandoned his suit today against Walt Disney and Leopold Stokowski in which he contended that he prepared scenarios based on classical numbers and submitted them to the conductor, who in turn, he claimed submitted them to Disney.

Ohio Admission Tax Shows 11% Increase

COLUMBUS, O., April 9.—Admission tax collections during the first three months of 1940 were \$379,829.44, compared with \$340,043.97 for the same period in 1939, an increase of 11.6 per cent, according to the report of the State Treasurer.

Benny Film to Open In Harlem April 23

Paramount will hold the world premiere of the Jack Benny film, "Buck Benny Rides Again" at Loew's Victoria in New York's Harlem, on April 23, the night before it opens at the Broadway Paramount.

The premiere will honor Eddie (Rochester) Anderson, colored comedian of the Benny air show, who has a featured role in the film.

CEA Decides Today On Rental Fight Plan

LONDON, April 9.—The General Council of the Cinematograph Exhibitors Association will hold an important meeting tomorrow to determine finally the organization's plans in their campaign for reduced rentals from distributors.

It is expected that the session tomorrow will bring a decision between alternative plans of procedure in the fight. There appears to be no question that the whole exhibitor organization will back the decision of the general council.

Raymond New Loew Ohio Division Head

CLEVELAND, April 9.—New Loew's state division manager here is Charles Raymond, who comes directly from London.

Raymond is making his headquarters at Loew's State here. He succeeds Col. Harry E. Long, who directed Loew's Ohio theatres for six years. Raymond was manager of M-G-M enterprises in England, and previously had opened the M-G-M theatre in Johannesburg, South Africa.

Radio Brevities

W. E. Sound Demonstration

Western Electric and the Bell Telephone Laboratories demonstrated the new system of "stereophonic reproduction of enhanced music" previously recorded on film before a specially invited audience at Carnegie Hall last night. Another demonstration will be given tonight.

Three loudspeakers onstage received the electrical power created by three large amplifiers in another part of the building. The musical impetus supplied to each bank of loudspeakers came from a separate sound track on the same film, each track feeding its tonal message to one of the speaker units. A fourth track on the film is used automatically to govern the overall tonal loudness of the program.

Sarnoff Ends Opera Drive

David Sarnoff, RCA president, will wind up the \$1,000,000 drive for the Metropolitan Opera this Saturday in a broadcast over NBC-Blue at 2:05 P.M. He will be introduced by George A. Sloan, chairman of the Metropolitan Opera Campaign Committee.

WHN Adds Two Hours

WHN, having added 19 new accounts since April 1, has increased its operating schedule by two hours daily. Starting one hour earlier and closing one hour later, WHN now begins at 6 A.M. and closes 3 A.M. American Tobacco has increased its contract for 2½-minute transcriptions for Lucky Strike cigarettes from 30 weekly to 120 weekly.

Personalities in the News

Robert J. Clarkson has joined the recording and transcription department at CBS in a sales capacity. . . . Dick Mooney, formerly with the Earl Ferris office, has joined Voices, Inc., as an associate. . . . George Hecht, editor of Parents' Magazine, will be guest speaker on the "My Son Contest" over WMCA today at 6 P.M. . . .

Gloria Jean, Nan Grey, Robert Cummings and C. Aubrey Smith, all of the original cast of "The Underpup" will be heard in a radio dramatization of the play over CBS at 9 P.M. next Monday on the "Lux Radio Theatre." . . . Fulton Lewis, Jr., Mutual's Washington correspondent, gave his 1,000th regular broadcast last night. . . .

AFRA Calls WEVD 'Unfair'

WEVD was declared "unfair" by American Federation of Radio Artists yesterday, and the Associated Actors and Artistes of America, parent body of actor unions, passed a resolution calling for support of A.F.R.A. by the other 4-A branches. Actors Equity was the first branch to warn its members not to accept employment at the station nor to pass the picket line when it is established.

Henry Greenfield, managing director of WEVD, protested strongly when he heard of the resolution. He declared that negotiations were continuing and that A.F.R.A. had extended the time of the station for a reply until Friday when the station's board of directors will meet to discuss the situation.

Tomorrow . . . all things point . . .
to Albany, Georgia, for the most unusual
World Premiere ever planned...the biggest
event that state has seen since G.W.T.W.!



**DOGS PUT
ON THE DOG**
... and become the guests of
honor. Canine celebrities ...
Pets of the stars, regally dressed
...royally received...nationally
publicized!



**OFFICIAL
PROCLAMA-
TION** by Georgia Governor,
E. D. Rivers sets April 11 as
"Biscuit Eater Day"...a nation-
wide tribute to a truly great
picture!



**NATIONAL
RADIO HOOK-**
UPS tell the world about "The
Biscuit Eater." Columbia net-
work's Vox Pop program ...
special Mutual network broad-
cast...CBS broadcast of special
Premiere Charity Ball...coast-
to-coast coverage!



**OVER 300
NEWSPAPER-**
MEN and exhibitors will be
present to flash the word to the
world of a new box office cham-
pion. All wire services...news-
reels . . . magazines . . . insure
reams and reams of publicity!



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DAILY on Friday, April 12,
for the complete story of the
World Premiere—one of the
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romance in the world
like the romance of
a boy and his dog..."*

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"THE BISCUIT EATER"

BILLY LEE • CORDELL HICKMAN • HELENE MILLARD • RICHARD LANE • LESTER MATTHEWS • SNOWFLAKE
Directed by Stuart Heisler • Screen Play by Stuart Anthony and Lillie Hayward • Based on a Story by James Street



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VOL. 47. NO. 72

NEW YORK, U. S. A., THURSDAY, APRIL 11, 1940

TEN CENTS

Fly Foresees Television As Ready in Year

Senate Bill Hits FCC Research Power

WASHINGTON, April 10.—Television should be ready for full commercialization within one year, James L. Fly, F.C.C. chairman, told the Senate Interstate Commerce Committee today, but added that the industry cannot "safely go ahead today with extensive sales promotion."

On the Senate floor, Senator W. W. Barbour of New Jersey introduced a bill to strip the F.C.C. of its jurisdiction over research and development, or the use, manufacture or sale of broadcasting or television equipment.

At the committee hearing, which is being held to determine whether an investigation of the F.C.C. should be started, David Sarnoff, R.C.A. president, criticized the commission for unfair tactics. He asserted that the commission had cited the sales promotion campaign as its reason for suspending its order to permit limited commercial programs on television after Sept. 1, and then confined its present hearings to the one point of whether the date for limited commercial operation should be postponed. In response, Chairman Fly explained that the commission felt it had no

(Continued on page 5)

KAO Stockholders Reelect Directors

Stockholders of Keith-Albee-Orpheum Corp. reelected all directors of the company at the annual meeting yesterday.

The annual meeting of the board will be held today.

Directors are: Donald K. David, Monroe Goldwater, Malcolm Kingsberg, John J. McCaffrey, N. Peter Rathvon and George J. Schaefer.

Stockholders voted approval of an amendment to the certificate of incorporation which permits the company to purchase its preferred stock out of profits or surplus by either of two methods, even when the company may be in arrears on quarterly dividends on the stock.

The company was also authorized, in line with the amendment, to purchase 3,000 shares of its preferred at \$100 per share out of capital surplus.

'Lord's Prayer' Cut By British Censor

London, April 10.—The British Board of Film Censors has censored The Lord's Prayer. In Warner Brothers' "The Fighting 69th," the British authorities have required the elimination of several phrases of The Lord's Prayer as recited in the picture.

Also ordered deleted are several prayers recited in Latin by Pat O'Brien, playing the part of the chaplain, Father Duffy. The dialogue and action involving the administering of the Last Sacrament also were ordered out.

The British Board customarily requires the excision of all Catholic prayers and ceremonies in films upon which a permit for exhibition in Great Britain is sought.

U. S. May Mediate Philadelphia Strike

PHILADELPHIA, April 10.—The Federal Department of Labor is seeking to mediate the controversy between the musicians' union and Warner theatres here involving the circuit's refusal to meet the union's demands for reemployment of musicians.

This was learned today with the disclosure by A. Rex Riccardi, secretary of the musicians' local here, that he had accepted the proffered services of a Department mediator.

Thomas J. Williams, representing the Labor Department, is coming here to gather statistics on the impasse, now in its fifth month. Union officials said Williams will arrange a mediation meeting if the Warner circuit accepts his services.

Warner theatre officials in New York yesterday said that they have received no information of this development, but full consideration will be given to any proposal that the mediator may make.

Actors' Dispute Halts Fair Shows

Collapse of negotiations between the World's Fair Corp. and theatrical talent unions yesterday halted, temporarily at least, several large Fair shows which have been in preparation.

Actors Equity stopped rehearsals of "American Jubilee," \$500,000 spectacle sponsored by the Fair corporation which is to employ 320 performers. Equity and other unions want a \$45 per week minimum, while the Fair refuses to pay more than \$40.

JUNE 1st U. S. TRIAL SOUGHT BY MAJORS

Swedish Business Is Affected Less Than Was Feared

Cables from Stockholm received at major company foreign departments yesterday indicated that business in Sweden may be less affected by the Scandinavian crisis than was feared at first.

Several home offices were informed that theatre business has not suffered materially during the past two days in this most important of the four Scandinavian film markets.

Additional advices, although incomplete, indicated that banking houses throughout Denmark are remaining open and that business is continuing on a nearly normal basis despite the German occupation of the country. Theatres are open, it was said, although no reports on business have been received and it is assumed here that attendance is far below normal.

Communications to Norway are closed and home offices assume that theatres are closed there due to active aerial warfare in the regions around the principal cities.

President Roosevelt by executive order last night froze all balances and foreign exchange transactions in this country involving Norway or Denmark or their nationals. The State Department is rushing plans to evacuate American citizens.

Albany, Ga., Poised For 'Biscuit Eater'

ALBANY, Ga., April 10.—This community of the deep South is poised for the world premiere at the Albany Theatre here tomorrow night of Paramount's "The Biscuit Eater."

About 300 circuit and independent exhibitors will participate in the festivities, in addition to a Hollywood group and visiting newspapermen.

The celebration will start with a parade at noon, which will be broadcast over WSB, NBC outlet in Atlanta. Afternoon events include the opening of the Southern baseball season by Joe E. Brown, a press barbecue on the estate of Barron Collier, and a Vox Pop broadcast over CBS. Celebrities will attend the premiere, which will be followed by a Hospital League dance.

Davis, Harris Occupied With Other Cases, Defense Reason

An application for postponement of the start of trial of the Government's New York anti-trust suit until June 1 will be made by defendants in U. S. District court here within the next few days. The trial now is scheduled to start May 1.

The principal reason to be advanced in support of the application for postponement is that two of the principal defense attorneys, John W. Davis and Ralph Harris, still will be engaged in the trial of another action on May 1. Davis represents Loew's and M-G-M and Harris represents 20th Century-Fox. The two have been for several months engaged with trial of a suit against several oil companies in N. Y. Supreme Court. That trial is not expected to be concluded until late in May.

Factors which may influence the Government to consent to the postponement are the number of pre-trial examinations still to be conducted and the fact that pre-trial conferences de-

(Continued on page 4)

20th-Fox May Get Outside Features

The possibility that 20th Century-Fox may distribute several films made by outside producers during 1940-41 will be disclosed at the company's annual sales convention which starts tomorrow in Chicago.

If any deals are consummated, these pictures will be sold on separate contracts, in addition to the regular program of 52 features 20th Century-Fox is scheduling for the new season. There also will be 52 one-reel shorts and 104 issues of Movietone News. The program is the same as for the current season.

About 250 delegates from 37 branches in the United States and Canada will arrive in Chicago today. The convention will end Sunday. The Eastern and home office representatives will return to their posts Monday.

Herman Wobber, general manager of distribution, will arrive in Chicago today direct from the Coast. Harry Brand, studio publicity director, will accompany Darryl F. Za-

(Continued on page 4)

Purely Personal

W. J. HEINEMAN, Western sales manager for Universal, visited the Des Moines exchange yesterday with **P. T. DANA**, district manager from Kansas City.

MAURICE SILVERSTONE, **SAM CITRON**, **JOSEPH MALCOLM**, **ARTHUR LEE** and **HARRY THOMAS** lunching at **Bob Goldstein's Tavern** yesterday.

LOUIS BERNSTEIN, **JACK GOETZ**, **HARRY BRANDT** and **J. J. MILSTEIN** lunching at **Lindy's** yesterday.

CHARLES E. MCCARTHY, **JOHN GOLDEN**, **SAM HARRIS**, **BARNEY BALABAN**, **JOHN HICKS** and **LEON NETTER** at **Nick's Hunting Room** in the **Astor** for lunch yesterday.

ROGER FERRI, editor of the *Dynamo*, 20th Century-Fox house organ, has been in Chicago several days preparing for the company's sales convention which opens tomorrow.

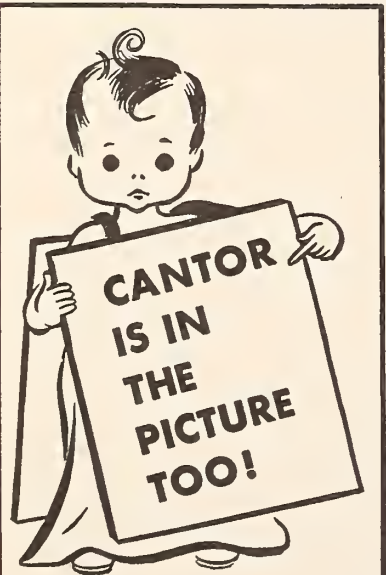
GAIL PATRICK has quit the screen for the Summer to travel with the Hollywood Stars of the Pacific Coast Baseball League, owned by her husband, **ROBERT COBB**.

ARTHUR NEWMAN, Republic manager in Albany, lunched here yesterday with **WALTER READE, JR.**, and conferred in the afternoon with **SI FABIAN**.

GEORGE SHARF, who studied law at night while a member of Loew's publicity staff, has joined the M-G-M legal department.

CHARLES B. GARRETT, formerly with Monogram in New York, is now editor of *Mundo Filmico Cubano* at Havana.

PHILIP BESSER has been appointed assistant to **EDDIE DOWDEN**, Loew's publicity chief in Brooklyn.



M-G-M's

"40 LITTLE MOTHERS"

Sell Theatre As Institution—Vogel

Disparity in week-to-week grosses may be traced in part to the neglect of managers to sell the theatre as an institution, **A-Mike Vogel** noted yesterday, at a showmanship forum held by the Staten Island Fabian theatres and conducted by **Harry Black**, district head. Vogel pointed out the better values offered by theatres for low-priced admission in relation to what the same amounts could purchase in terms of merchandise. The *Motion Picture Herald* Round Table chairman felt that these advantages should be carried regularly in theatre advertising.

Various methods of picture exploitation were discussed including stimulation of children's patronage, as explained by **Harry Woodin**, head of the Yankee Doodlers, a children's national theatre club recently organized for this purpose.

Managers and other home office personnel attending included: **Edgar Goth**, publicity director; **Managers George Evans**, **St. George**; **John Firnkoes**, Paramount; **George Trilling**, Ritz; **Elihu Glass**, Liberty; **Sid Kaffe**, Capitol; **Michael Garzetta**, Staten; **Art Lane**, Strand; **Roy Sherkey**, Stadium and **John Salamando**, district office secretary.

Two Pickets Freed In TMAT Arrests

Two pickets of the film division of Theatrical Managers, Agents and Treasurers Union, now picketing against the Five Boro circuit, were found not guilty on disorderly conduct charges in the Bronx Magistrates Court yesterday. The men, **Abe Ludacer** and **Irving Suderman**, were picketing the **Vogue**, Bronx.

Last week there were three convictions and charges against two others were withdrawn. **Charles Laucks** and **Ray Wisowati** were fined \$10 each for picketing the **Freeman**, Bronx, with signs declaring the theatre was "on strike" while there had been no actual walkout. The pickets subsequently changed their signs to "unfair." **Paul Weintraub** also was fined \$10 for picketing the **Fenway**, Bronx, with an "on strike" sign. Charges against **Joe Cohen** and **Ludacer** for picketing the **Lido**, Bronx, were withdrawn.

Bioff's Tax Trial Reset to September

HOLLYWOOD, April 10.—Trial of **William Bioff**, I.A.T.S.E. leader, on two counts of income tax evasion has been shifted in Federal court here to the September calendar. The trial was to have begun May 28.

The date was deferred by Judge **Ralph Jenney** on application of Bioff's attorneys who said that he would be tied up in Chicago litigation for some time.

Weeks Starts Tour

George W. Weeks left yesterday for a tour of Monogram exchanges prior to attending the Variety Club convention in Dallas and Monogram's franchise holders' convention in the same city April 21-22. He will then go to the Coast to produce a series of westerns for the company.

Hint Possible Deal of 2 British Groups

London, April 10.—**Theodore H. Fligelstone**, independent exhibitor and former president of the Cinematograph Exhibitors Association, speaking at a luncheon today in tribute to **Ernest Peall**, retiring exhibitor, said he understood that **D. E. Griffiths**, president of the Kinematograph Renters Society (distributors) is "taking the C. E. A. under K. R. S. protection." Griffiths was present at the luncheon.

New Officers of Ampa To Be Elected Today

Ampa members will meet at 12:45 P.M. today at **Dempsey's Restaurant** to elect officers for the year. A contest centers on the presidency, with **Leon Bamberger** of **RKO**, the "official" candidate, opposed by **Louis Pollock** of **Universal**.

Otherwise there is no contest with the exception that five directors are to be elected from a field of six nominated. These are **Paul Benjamin**, **Paul N. Lazarus, Jr.**, **Louis Lifton**, **Rutgers Neilson**, **Martin Starr** and **Eli Sugarman**.

The financial report as it will be turned over to the new officers was completed yesterday by **Herbert Berg**, treasurer. It shows a total membership of 126, of which 67 are paid up. Including cash in bank of \$348.97 and outstanding dues from 59 members, total assets are given as \$1,373.97. The only liability is a bill for \$11.92 for mimeographing.

Monogram Branches To Handle Cartoons

HOLLYWOOD, April 10.—Monogram exchanges will distribute eight one-reel color cartoons under a deal closed today with **Color Films, Ltd.**, the producer. Three of the subjects are completed. The series features a monkey character.

The deal is understood to be with the franchise holders individually. Monogram has no shorts on its present schedule.

Ascap Heads Leave For Trial in Florida

Louis D. Frohlich and **Herman Finkelstein** of **Schwartz & Frohlich**, Ascap counsel, and **Gene Buck**, Ascap president; **E. C. Mills**, chairman of the administrative committee, and **Charles Paine**, general manager, left for Florida yesterday.

They will be engaged in the trial of the suit to test the constitutionality of Florida's anti-Ascap law, scheduled to start Monday before a Federal statutory court in **Gainesville, Fla.**

Tickets Now on Sale For Cantor Opening

Tickets for the world premiere April 17 of the M-G-M film, "Forty Little Mothers," starring **Eddie Cantor**, at **Loew's Canal** on the East Side, will go on sale today. The screening will climax the **Eddie Cantor** homecoming sponsored by the East Side Chamber of Commerce and the **Grand Street Boys**.

Demonstrate New Erpi System Again

Reproduction of musical tones with sound variations from 40 to 15,000 cycles was demonstrated to an invited audience by **Western Electric** and **Bell Telephone Laboratory** engineers at **Carnegie Hall** last night.

The demonstration was the second and final one for invited audiences for whom the new system of stereophonic reproduction was put through its paces. Listeners heard sounds which varied in acoustical power by as much as 10 billion times under the control of a tonal conductor.

Application of the new system to motion pictures is expected to be utilized for special purposes only at the outset. The extent to which it eventually may be used is unpredictable at this time, according to **Western Electric** engineers. Erpi will handle licensing arrangements for commercial use of the system.

Hollywood sound directors, who are here as Erpi's guests, attended several demonstrations of the new system. They will go to the **du Pont** plant at **Parlin, N. J.**, tomorrow for a visit and to the **Eastman** plant at **Rochester** on Saturday.

Trans-Lux Reelects Furber, All Officers

Directors of **Trans-Lux Corp.**, yesterday reelected **Percy N. Furber** chairman of the board and **Percival E. Furber** president. Other officers were also reelected, as follows: **Arthur C. Payne**, **E. H. Unkles**, **Robert Daine**, vice-presidents; **Albert D. Erickson**, treasurer; **Aquila Giles**, secretary; **A. T. Mulcahy**, assistant secretary.

The stockholders at their annual meeting previously reelected the board comprising 11 directors, for one year. A total of 436,000 shares of common stock was represented out of 785,160 shares issued.

Levine to Wed Sunday

William Levine, in charge of the M-G-M contract department, and **Beatrice Harris** of **Ira Martin's** unit department will be married here Sunday. They will honeymoon in Washington. They were guests of honor at a luncheon at the **Lincoln Hotel** yesterday. Attending were **A. F. Cummings**, **Joel Bezahler**, **Charles Deesen**, **Irving Helfont**, **Edwin A. Aaron** and others from M-G-M.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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"Right up there with 'Dark Victory'" - that's how the boys in Pittsburgh, Memphis, Akron, Milwaukee and New York rate it! It all came true for them!



The 'A' in
A-Time Stands
for **ANN**



Everything we've written!
Everything you've heard!
Everything you've come
to expect from

WARNERS
The
Showmen!

Sheridan
with
Jeffrey Lynn • Humphrey Bogart

**ZASU PITTS • UNA O'CONNOR • JESSIE
BUSLEY • JOHN LITEL • Directed by LEWIS SEILER**
Screen Play by Michael Fessier and Lawrence Kimble
A Warner Bros. • First National Picture

From the Story by **LOUIS ('Rains Came') BROMFIELD**

June 1 Trial To Be Sought For U.S. Suit

(Continued from page 1)
signed to shorten the actual trial have yet to be held.

At least 12 defendant executives whom the Government has listed for examination still remain to be questioned. The first of this group is not scheduled to submit to examination until next Wednesday. That leaves only two weeks until the start of trial in which to complete the examination of the other 11.

Federal Judge Henry W. Goddard has stated explicitly that he is anxious to utilize every means to shorten the actual trial. Therefore, it is believed that he will insist upon pre-trial conferences and a reasonable attempt on the part of the Government and defendants to agree on some stipulations. It is hardly likely that any material results could be achieved in this direction in the 20 days remaining before May 1, which might have some influence with both the court and the Government in determining their attitude toward a postponement.

The Government is scheduled to furnish defendants additional information tomorrow in the way of new answers to the companies' interrogatories. However, if defendants find the new answers insufficient they will be privileged to return to Judge Goddard with an order designed to remedy specific deficiencies. This step would be time-consuming whether or not the defendants' order was granted.

A postponement of the trial, in addition, would provide additional time for Government-industry conferences on an out-of-court settlement of the suit. Differences of opinion on the proposed settlement are so marked at this time that any agreement by a majority of the companies by May 1 appears to be out of the question.

Canada Uses Films To Train Soldiers

MONTREAL, April 10.—Films with graphic lessons on the structure and use of equipment, drill and tactics are being used to train Canada's new army. In hundreds of drill halls and training centers across Canada pictorial lessons are imparted as an important part of the training of the Canadian Active Service Force and the non-permanent active militia.

Each military district has a library of films and a projection machine and each training center is being provided with a similar outfit. The library includes some 75 subjects of from one to 12 reels of film each. Most of the films are purchased from the British War Office. The National Defence Department buys a positive film in 35 mm. and the Canadian Government Motion Picture Bureau makes the required number of reproductions for Canadian training purposes on 16 mm. film.

Wilcox Buys Story

HOLLYWOOD, April 10.—Herbert Wilcox today purchased "My Pretty Maid," magazine story by Alice Duer Miller, as Anna Neagle's next film for RKO. Wilcox will produce and direct from Miss Miller's screenplay.

Hollywood Review

"Saturday's Children"

(Warners)

HOLLYWOOD, April 10.—Warners' "Saturday's Children" is the story of two young married persons fighting against adversities of a locale described in studio literature as "the low middle class district" of New York City. John Garfield and Anne Shirley are the young couple, whose fight to maintain a home against depression and salary cuts is almost lost. Supporting are Claude Rains, as the girl's father; Roscoe Karns, as a brother-in-law; Lee Patrick, whose role is described as a "middle class sophisticate;" Dennie Moore, George Tobias, Elizabeth Risdon and Berton Churchill.

On the advice of her hardened sister, Miss Shirley leads Garfield, an ambitious would-be inventor, to proposal and marriage. Difficulties beset them, and Miss Shirley, with motherhood imminent, is about to use that to prevent Garfield from going alone to the Philippines where he has a chance to make good, but balks. Her father attempts to commit suicide to get them money to make the journey together, but fails. The realization that the father was willing to sacrifice himself for their happiness brings the couple together.

Julius and Philip Epstein adapted the Pulitzer Prize play by Maxwell Anderson, and Vincent Sherman directed. It is a Henry Blanke production.

Running time, 100 minutes. "A".*

VANCE KING

*"A" denotes adult classification.

Parley on St. Louis Union Fight Today

ST. LOUIS, April 10.—A meeting looking toward settlement of the dispute between the operators' Local 143 and Fanchon & Marco is expected to be held tomorrow. It was scheduled for yesterday but George E. Browne, president of the I.A.T.S.E., did not arrive in St. Louis.

Marco Wolff of Fanchon & Marco arrived yesterday to take part in the negotiations Harry C. Arthur, Jr., general manager of F. & M., issued a statement today in which he said the dispute between the company and the union over the hiring of operators arose from an intra-union fight and that the company is ready to negotiate with the "reunited" union.

F. & M. also announced today the settlement of a dispute with the musicians' union, Local 2, over "standby" local orchestras while Ted Lewis and Kay Kyser appear at the St. Louis and Fox. The Lewis engagement had been canceled this week because of the dispute but has now been reset for May 3, and Kyser has been tentatively booked for the Fox May 10.

Cincinnati's March Bingo Gross Drops

CINCINNATI, April 10.—Although March attendance at Bingo parties here increased slightly over February, March receipts were less, according to figures released by Chief of Police Eugene T. Weatherly.

A total attendance of 229,601 was reported at 207 parties in March. Gross receipts were \$176,284.57, and prizes \$42,302.68, leaving net of \$133,981.49 to sponsoring organizations. February attendance was 225,929 at 202 parties.

Photoplay Honors 'Wind'

"Gone With the Wind," David O. Selznick production for M-G-M release, has received the annual Gold Medal award of Photoplay Magazine for the best picture of 1939.

Schwartz Rites Today

Funeral services for Jack Schwartz, partner of Charles Steiner in the operation of the Bell Circuit, will be held at 1 P.M. today at the Riverside Memorial Chapel. Schwartz died yesterday after a long illness. Burial will be at the Mount Zion Cemetery, Maspeth, L. I. Survivors included a son, Louis, manager of the Belvedere, Brooklyn.

Ronald Hogan Dead

ST. JOHNS, Newfoundland, April 10.—Ronald T. Hogan, 35, manager of the Capitol here, of the Famous Players circuit, died after an operation. He had been in charge of the Capitol for five years. Surviving are his mother, two brothers and two sisters.

Grover Padgett Dies

RENSSELAER, Ind., April 10.—Grover Padgett, manager of the Rem in Remington, Ind., died in a hospital here of injuries sustained in an automobile accident four days earlier. He failed to rally despite two blood transfusions.

John Crowley Dead

ST. JOHN, N. B., April 10.—John Crowley, 79, part owner of the Empire here, and also of the Princess (Opera House), now dark, is dead here, after a short illness. He is survived by one son, Rev. William Crowley.

Hugh Asmus Dies

KANSAS CITY, April 10.—Hugh Asmus, 60, head shipper for RKO here and with the exchange since 1923, died at the Veterans' Hospital, Excelsior Springs, Mo.

Atlas Acquires Two

Atlas Film Exchange, Inc., headed by Walter Bibb, has acquired two English features for distribution in New York state and northern New Jersey. The two films are "Bedroom Diplomat" and "Captain Moonlight."

20th-Fox May Get Outside Features

(Continued from page 1)

nuck, Joseph M. Schenck and William Goetz who will arrive Sunday from the Coast.

At the first session tomorrow general sales policies will be discussed by Wobber and the division managers. William Clark, short subjects sales manager, Harvey Day and Paul Terry, producer of Terrytoons, will outline the short subject program. Charles E. McCarthy, director of advertising and publicity, will discuss the new season's advertising and exploitation plans.

Wobber will outline the feature program on Saturday. Schenck and Zanuck will give additional production information when they address the convention on Sunday.

CEA Sets Policy For Rental Battle

LONDON, April 10.—Following a lively session of the General Council of the Cinematograph Exhibitors Association today, it was decided again to withhold a public statement of the organization's policy in its fight for reduction of film rentals.

It was indicated, however, that a statement of plans will be made next week. It is understood the council agreed upon a definite propaganda policy, to be begun in the near future, which will include specific action as well as educational persuasion.

It is believed possible that "Gone With the Wind" may become involved. The film is scheduled to be trade shown next week, with bookings permissible immediately thereafter.

The C. E. A. is understood to expect an early summons to the Board of Trade for further discussion of the quota situation.

Frisco Fair Closes With Hollywood Unit

SAN FRANCISCO, April 10.—Hollywood participation in the "Fair in '40" became a fact when contracts were signed here for construction of "Stage 9," huge indoor theatre seating 6,000, where the public will see actual films made every day of the exposition, opening May 25.

F. Herrick Herrick, former 20th Century-Fox director, signed for the Hollywood syndicate sponsoring the concession. Neil Hamilton and Marian Marsh will play leads in a full length color film to be made piecemeal during the exposition. Major Hollywood studios have agreed to cooperate by having leading stars appear during the weeks dedicated to the various studios.

Henson Named Loew Manager in Akron

Frank Henson, formerly manager of Loew's, Canton, O., and previously assistant manager for the circuit in Kansas City, has been appointed manager of Loew's, Akron. He succeeds Jack Flex, who is no longer with the circuit. Orville Crouch, formerly relief manager, has been assigned as manager in Canton.

NBC News Room Like Bomb Victim

The war news found NBC with plenty of its experts on hand but the news room looked like a bomb had just hit it. Several weeks ago, it was decided to construct two glass enclosed studios in the news room to make faster pickups possible. They were scheduled to be completed for another month but they had to be thrown into action at once. So with electricians, engineers, glaziers, carpenters and acoustical experts still working, the commentators went into action in the hastily prepared studios.

F-M Station Permit Pleas Now Total 104

As F-M Broadcasters, Inc., met in Washington yesterday to prepare their briefs for submission to the F. C. C., it was disclosed that four more applications had been filed for F-M station permits, bringing the current total to 104.

In Hartford, Franklin M. Doolittle, general manager of WDRC, is making plans to push F-M in the New England territory. He disclosed yesterday that he had filed an application for an increase to 50,000 watts for his F-M station, W1XPW, which now operates on 1,000 watts power. Walter B. Haase, WDRC program director, has scheduled a series of talks in Connecticut on F-M. The first will be on April 18 before the Hartford Engineer's Club, and the second will be before the Civitan Club on April 26.

The four latest applications come from WCAU, Philadelphia; the Sioux City Journal; L. B. Wilson, Inc., of Crescent Springs, Ky.; and Hildreth & Rogers Co., Lawrence, Mass.

3-Dimension Topic At T.N.E.C. Hearing

WASHINGTON, April 10.—A new method of three-dimension photography was discussed today before the Temporary National Economic Committee by Douglas F. Winnek of New York. He explained that 90 per cent of the depth of pictures obtained by him is due to binocular vision.

While the witness said the system probably could be applied to motion pictures he attempted to identify himself as not going to try to "revolutionize" the film industry. He has five patents now in Washington and 200 more on the way, he said.

Set Educational Hearing

Hearings on the petition to set aside the designations of James A. Davidson and William S. Brown as trustees of Educational Pictures and Educational Films Corp. of America, respectively, were postponed yesterday to April 17. Both appointments were made by Referee John E. Joyce after creditors had failed to agree upon trustees.

RADIO BREVITIES

WMCA to Carry Night Games

WMCA will carry play-by-play descriptions of the seven night games of the New York Giants under the sponsorship of Camel cigarettes, it was disclosed yesterday. The games will start at 9 P.M. and run until the game ends.

CBS, which carries the daytime games of the Giants and Yankees for the same sponsor, could not clear time for the games. Mel Allen, who describes the play for the CBS broadcasts, will also handle the games for WMCA.

The night spots were left open on WMCA by the cancellation of two hours by Blackett-Sample-Hummert agency which were used for eight 15-minute serials. The script shows were broadcast over the networks during the day and transcriptions played over WMCA for night audiences. Apparently finding the response to these shows during the evening insufficient to warrant their continuance, B-S-H has shifted its two hours to afternoon spots, from 1:15 to 3:15. Only three shows will be used, "Easy Aces," "Our Gal Sunday" and "The Romance of Helen Trent." From 1:30 to 2:45, recorded music will be played with spot announcements interspersed. The sponsors have not been announced.

Program Notes

"Musical Americana" will add the 100th station tonight over NBC-Blue. . . . "Fun in Print," a literary quiz program, has been selected as the Summer substitute for the "Silver Theatre" over CBS by International Sterling Silver, the sponsor. It bows on Sunday, May 12 at 6 P.M. Prizes for questions will be a subscription to the Literary Guild.

"Carters of Elm Street" will start a talent quest over Mutual with winners to be selected on a regional basis from recordings, and the prize to be a two-week contract on the program. . . . General Mills has signed a 22-week renewal for "Jack Armstrong" over NBC-Red. . . . Effective April 28, Air Conditioning Training Corp. has renewed "Happy Jim Parsons" over NBC-Blue for 26 weeks. . . .

Telecast Opening Ball Games

NBC's television station will invade the big league baseball diamonds next Thursday and Friday with telecasts of opening games. On Thursday, W2XBS will carry the International League

game between the Jersey City Giants and the Montreal Royals from Roosevelt Stadium in Jersey City. On Friday, the game between the Brooklyn Dodgers and the New York Giants from Ebbets Field will be carried.

Jack Starr will handle both games. Two cameras will be used. One is placed behind the home plate to take in the pitcher, catcher, batter and first base, while the other will be in the upper tiers to follow the ball as it goes into the outfield or toward third base. The camera crew has been tuning up on college games and the technique has improved.

Two CBS Ball Broadcasts

CBS will usher in the baseball season with two broadcasts. On Monday night at 11:15, four CBS sportscasters who have seen all 16 major league teams in training will discuss the forthcoming season. Mel Allen will speak from New York, Arch MacDonald from Washington, France Laux from St. Louis, and Pat Flanagan from Chicago. On Tuesday at 10:15 P.M., "Americans at Work" will cover the baseball industry over the same web, with Allen interviewing Joe McCarthy, manager of the Yankees.

Personalities in the News

Bernie London, with the CBS clerical department for nine years, has been assigned to aid Waite Hoyt on the latter's new sport show over WABC. . . . Ted Husing will cover the Drake relays over CBS tomorrow and Saturday. . . . Latest news from the warfront will be included daily on the "Kate Smith" show and will be given by Ted Collins. It will be the first regular news over CBS after the morning roundup at 8. . . .

Old Vaudeville on Television

A television show featuring old time vaudeville acts, under the direction of Reginald Hammerstein, is scheduled for NBC's television station tomorrow evening at 8:30. Included are Blanche Ring, who made "Rings on My Fingers and Bells on My Toes" famous; John Steele, romantic tenor; Lew Hearn, headliner on the old Keith and Orpheum circuits; Raymond & Caverly, a comedy team; and George Leonard, with songs and dances.

There will be an old fashioned community sing, with the lyrics flashed on the television screen.

Alabama 'Wind' Suit By Estate Dismissed

BIRMINGHAM, Ala., April 10.—The suit charging authors of the book and film, "Gone With the Wind" with copyright infringement, was dismissed by Federal Judge T. A. Murphree after a hearing in chambers.

The proceedings, seeking damages and asking that all copies of the photoplay be impounded, were filed against the Ritz Theatre several weeks ago by Ann R. Davis as administratrix of the estate of Susan Lawrence Davis, author of the book, "Authentic History of the Klu Klux Klan—1865-1877."

Theatre Company Is Formed in Salt Lake

SALT LAKE CITY, April 10.—Theatre Security Corp. has been organized with capital of \$500,000 to operate theatres in Utah, Idaho and neighboring states. Offices will be maintained here and in Blackfoot, Idaho.

Officers are C. E. Huish of this city, president; I. H. Harris, Burley, Idaho, vice-president; Claude Hawk, this city, secretary; Paul De Mordaunt, Blackfoot, Idaho, treasurer. The officers and the following comprise the board: Hugh Drennan, C. C. Voeller, L. C. Denton and V. A. Gilhoel.

Fly Foresees Television As Ready in Year

(Continued from page 1)

jurisdiction over advertising of receiving sets.

Chairman Fly explained that he feared that the campaign by R.C.A. would result in the freezing of standards of the industry at the present transmission standards of R.C.A. He declared that the original order setting Sept. 1 as the starting date might have been a mistake and that the F.C.C. is now holding hearings to rectify the situation it had precipitated. He asked the Senate committee to postpone action on the Lundeen resolution for an investigation until the F.C.C. concludes its hearings and renders a decision.

Senator Barbour, in introducing his bill, said it was designed "to end the present horse-and-buggy control of a rapidly developing new industry by a bungling and brazen bureaucracy."

"Unless Congress knocks some sense into the commission," he continued, "millions of Americans will be deprived of an early opportunity to get television programs."

Most of the testimony at the committee hearings was highly technical and appeared to be over the heads of the committee members. The committee decided to hear Commissioner T. A. M. Craven tomorrow to explain his dissent from the order suspending the Sept. 1 date.

Television Tubes' Life Set at 3 Years

Cathode ray tubes used in television receiving sets have a life expectancy of about three years, according to the Allen B. DuMont Laboratories. No "burns" or dark spots should appear on the television screen during that period, DuMont declares.

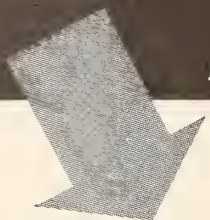
The statement was made after more than a year of tests, during which time DuMont has been marketing its receivers. Of several hundreds of 14-inch tubes placed on the market there were no failures due to structural defects, it was said. The few failures which did occur resulted from accidents.

DuMont claims to have eliminated the "burn" in the center of the screen by use of electrostatic deflection instead of electromagnetic deflection, thus eliminating the concentrated ionic bombardment in the center of the tube.

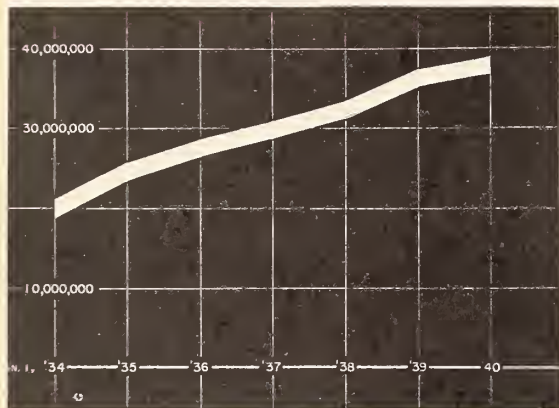
Prepare NBC Plans For Frisco Building

SAN FRANCISCO, April 10.—William A. Clarke, NBC's manager of technical services in Radio City, is here to prepare plans for the web's proposed new building, to be erected downtown at Taylor and O'Farrell Sts. Clarke, who will have charge of engineering and acoustical problems, is conferring with Al Nelson, NBC manager of KPO and KGO, and Curtis Peck, engineer of the two stations.

Something **BIG** has



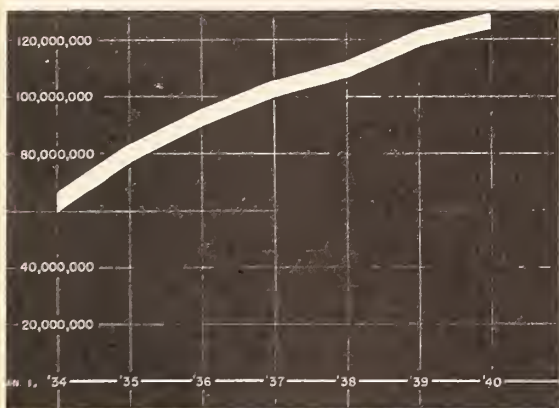
Year after year, radio plays a bigger and BIGGER role in advertising, in selling and in the life of the nation. Here's exactly what has happened in radio during the past six years...years of brilliant and sustained growth for this medium that has proved so *vital* to our people.



Increase in Home Radio Sets 1934 to 1940

Radio Set Sales—UP 85%

During the “uncertain” years from 1934 through 1939, household budgets wavered up and down. But budgets for home radio sets went steadily *up*. U. S. radio set ownership increased 85%...climbing from 20 million to over 37 million home radios. Plus 6,500,000 automobile radios. Plus over 1,000,000 portable radios.



Increase in Radio Listening 1934 to 1940

Radio Listening—UP 98%

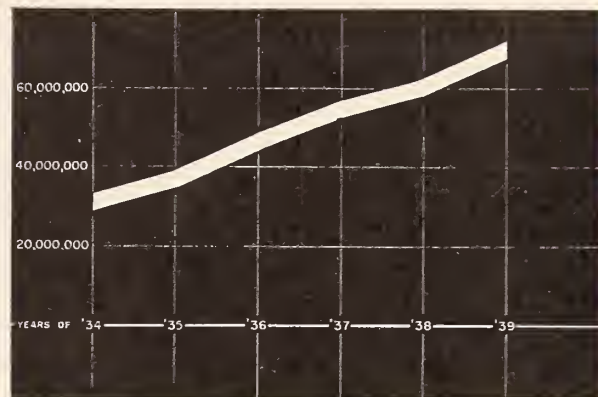
Radio has taken its place as America's *First Activity!* The carefully taken testimony of the public shows radio first in *preference* over all other forms of entertainment—and first in *hours of attention* each day. Every year—from 1934 to 1939—the amount of daily home listening by America's radio families went up and up from the 1934 high of over 62 million family-hours a day to the amazing high of 123,000,000 family-hours of listening *each day*—an increase of 98%!

C O L U M B I A B R O A D C A S T I N G

happened to Advertising!

Radio Advertising—UP 126%

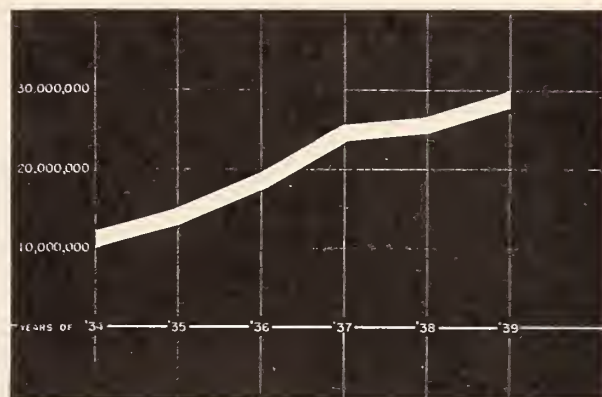
Advertisers have been quick to take advantage of radio's unique coverage of the "whole market" for merchandise in America. Following not the uneven cycle of industry but the steady upswing of radio set ownership and radio listening...not down but UP...the nation's hundred leading advertisers *increased* their network radio appropriations month after month, year after year...spending 126% more for network time in 1939 than in 1934.



Increase in All Network Advertising 1934-1939

CBS Advertising—UP 158%

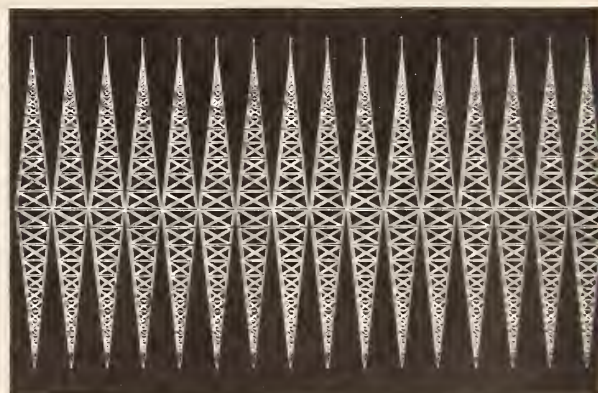
As the use of all radio networks by the nations' leading advertisers increased, so, too, has their use of the Columbia Network. *But faster!* CBS has outpaced all radio's swift climb—increasing its billing from the hundred largest advertisers—from 1934 to 1939—by over 158%. And this year, month after month, the CBS curve swings upward—new highs upon highs—setting the pace for all networks—carrying a greater volume of business than *any* other network.



Increase in CBS Advertising 1934-1939

CBS Facilities—Up, UP and UP

In one fast-paced year—1939—CBS increased the *number* of its outlets to 119, in 117 cities. In addition, 91 CBS stations made major *improvements*, which resulted in increased signal strength and 30 CBS stations increased their *power* in 1939. Today, there are 16 CBS 50,000 watt stations—more maximum-power U.S. stations than in any other network.



For detailed analysis of CBS technical advances, write CBS

SYSTEM, 485 Madison Avenue, New York City

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



Book these **PARAMOUNT SHORTS** when you book your features!

100%
BOX OFFICE
tested

MARCH 29
Cinecolor
UNUSUAL OCCUPATIONS #4

APRIL 5
Color Cruise
ARGENTINA

APRIL 12
Popeye the Sailor
ME FEELINGS IS HURT

APRIL 19
Paragrophic
TELEVISION PREVIEW

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Mar. 15	Men Without Souls (D) <i>Rochelle Hudson</i>	Young Tom Edison (G-D) <i>Mickey Rooney</i>	Midnight Limited (D) <i>John King</i> <i>Marjorie Reynolds</i>	Women Without Names (G-D) <i>Drew-Paige</i>	Forgotten Girls (G-D) <i>Donald Woods</i>	Millionaire Play-boy (G-C) <i>Joe Penner</i>	Grapes of Wrath (A-D) <i>Fonda-Darwell</i>		Ma He's Making Eyes at Me (M) <i>Tom Brown</i>	3 Cheers for the Irish (G-C) <i>Priscilla Lane</i>
Mar. 22	Too Many Husbands (A-C) <i>Arthur-MacMurray</i>			Road to Singapore (M) <i>Crosby-Lamour</i>	Rancho Grande (G-O) <i>Gene Autry</i>	Primrose Path (A-D) <i>Rogers-McCrea</i>	Blue Bird (G-D) <i>Shirley Temple</i>	My Son, My Son (A-D) <i>Aherne-Heywood</i>	It's a Date (G-D) <i>Deanna Durbin</i>	Virginia City (G-O) <i>Flynn-Hopkins</i>
Mar. 29		Florian (G-D) <i>Robert Young</i>	Son of the Navy (C) <i>Jean Parker</i> <i>James Dunn</i>	Farmer's Daughter (C) <i>Raye-Ruggles</i>	Ghost Valley Raider (G-O) <i>Donald Barry</i>		Free, Blonde and 21 (A-D) <i>Bari-Davis</i>	Over the Moon (D) <i>Merle Oberon</i>		
Apr. 5	Blazing Six Shooters (O) <i>Starrett</i>	And One Was Beautiful (G-D) <i>Muir-Cummings</i>		Adventure in Diamonds (D) <i>Brent-Miranda</i>		Courageous Dr. Christian (G-D) <i>Jean Hersholt</i> Bullet Code (O)	Stardust (G-D) <i>John Payne</i>	One Million B. C. (D) <i>Lon Chaney, Jr.</i>	Half a Sinner (D) <i>Heather Angel</i>	It All Came True (D) <i>Sheridan-Lynn</i>
Apr. 12	Man With Nine Lives (D) <i>Boris Karloff</i>	Dr. Kildare's Strange Case (D) <i>Lew Ayres</i> <i>L. Barrymore</i>	Covered Wagon Trails (O) Sky Bandits (D)	Dr. Cyclops (G-D) <i>Albert Dekker</i> <i>Janice Logan</i>	High-Yo Silver (O) Young Buffalo Bill (O)		Viva Cisco Kid (G-O) <i>Romero</i>	Rebecca (A-D) <i>Oliver</i> <i>Joan Fontaine</i>	Black Friday (G-D) House of Seven Gables (D)	Gambling on the High Sea (D) <i>Wayne Morris</i>
Apr. 19	I Married Adventure (D) <i>Osa Johnson</i>	Two Girls on Broadway (C) <i>Turner-Blondell</i>	Tomboy (D) <i>Jackie Moran</i> Pals of the Silver Sage (O)	Light of the Western Stars (O) <i>Victor Jory</i> <i>Jo Ann Sayers</i>	Dark Command (D) In Old Missouri (M)	Beyond Tomorrow (G-D) <i>Binnie Barnes</i>	Johnny Apollo (D) <i>Tyrone Power</i>		Enemy Agent (D) <i>Cromwell-Vinson</i>	'Till We Meet Again (D) <i>Oberon-Brent</i>
Apr. 26	Doctor Takes a Wife <i>Ray Milland</i>	Forty Little Mothers (C) <i>Eddie Cantor</i>	Mysterious Mr. Reader (D) <i>Will Fyffe</i> <i>Kay Walsh</i>	French Without Tears (A-C) <i>Drew-Millard</i>	Covered Wagon Days (O) Grandpa Goes to Town (C)	Curtain Call (D) <i>Helen Vinson</i>	Shooting High (G-O) <i>Gene Autry</i>			An Angel from Texas (C) <i>Albert-R. Lane</i>
May 3	Block "K" Rides Tonight (O) <i>Bill Elliott</i>	20 Mule Team (D) <i>W. Beery</i> <i>Leo Carrillo</i>	Land of the Six Gun (O) <i>Jack Randall</i>	Buck Benny Rides Again (C) <i>Jack Benny</i>	Crooked Road (D) <i>Edmund Lowe</i> <i>Irene Hervey</i>	My Favorite Wife (D) <i>Dunne-Grant</i>	So This Is London (C) <i>George Sanders</i>	Saps at Sea (C) <i>Laurel-Hardy</i>	If I Had My Way (M) <i>Bing Crosby</i>	
May 10		Edison, the Man (D) <i>Spencer Tracy</i> <i>Rita Johnson</i>	Cowboy From Sundown (O) <i>Tex Ritter</i>	Opened by Mistake (C) <i>Charlie Ruggles</i> <i>Janice Logan</i>	Gaucha Serenade (O) <i>Gene Autry</i> <i>Smiley Burnett</i>	Tom Brown's Schooldays (D) <i>Bartholomew Hardwicke</i>	I Was An Adventuress (D) <i>Zorina-Greene</i>		Ski Patrol (D) Black Diamonds (O)	
May 17	Isle of Doomed Men (D) <i>Peter Lorre</i>	Waterloo Bridge (D) <i>Robert Taylor</i> <i>Vivien Leigh</i>	Kid From Santa Fe (O) <i>Jack Randall</i>	Typhoon (D) <i>Dorothy Lamour</i> <i>Robert Preston</i>	Gangs of Chicago (D) <i>Lloyd Nolan</i> <i>Lola Lane</i>		On Their Own (C) <i>Jones Family</i>	Turnabout (D) <i>Carole Landis</i> <i>Adolph Menjou</i>	Alias the Deacon (C) <i>Bob Burns</i> <i>Mischa Auer</i>	
May 24	Lone Wolf Meets a Lady (D) <i>W. William</i> <i>Jean Muir</i>	The Stars Look Down (D) <i>M. Redgrave</i> <i>M. Lockwood</i>	Amateur Detective (D) <i>Frankie Darro</i>	The Biscuit Eater (D) <i>Billy Lee</i> <i>C. Hickman</i>		Lillian Russell (M) <i>Don Ameche</i> <i>Alice Faye</i>		Our Town (D) <i>William Holden</i> <i>Martha Scott</i>		
May 31	5 Little Peppers at School (D) <i>Edith Fellows</i>		Queen of the Yukon (O)	Way of All Flesh (D) <i>Tamiroff</i> <i>Gladys George</i>			Marriage In Transit (C) <i>Robt. Sterling</i> <i>Joan Davis</i>		La Conga Nights (M) Bad Man From Red Butte (O)	

'Rebecca' Hits Big \$25,200, Philadelphia

PHILADELPHIA, April 10.—Most of the downtown houses held over the Easter holiday bills, with favorable weather and an "Ice Vanities" show at the Arena competing. "Rebecca" led the field at the Boyd with \$25,200 and "Virginia City" showed a strong second week at the Stanley with \$17,700, as did "My Little Chickadee" at the Stanton with \$5,800.

Estimated takings for the week ending April 4:

"The Blue Bird" (20th-Fox)
"Sidewalks of London" (Para.)
ALDINE—(1,700) (32c-42c-57c-68c) 4 days; 2nd picture, 3 days; 7 day average. Gross: \$7,000. (Average, \$8,000)
"I Take This Woman" (M-G-M)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd week. Gross: \$3,400. (Average, \$2,600)
"Rebecca" (U. A.)
BOYD—(2,400) (32c-42c-57c-68c) 4 days; 2nd week, 3 days. Gross: \$25,200. (Average, \$13,000)
"Music in My Heart" (Col.)
"The Man Who Wouldn't Talk" (20th-Fox)
CARMAN—(2,500) (26c-32c-42c) subsequent run, 3 days with vaudeville, \$2,100; 4 days first run for second picture with vaudeville bill including France & LaPell, Everett Sanderson, Neiss Troupe, Cortello's Canines, Fenwick & Cook, \$3,800. 7 day average. Gross: \$5,900. (Average, \$5,200)
"Gone With the Wind" (M-G-M)
EARLE—(4,000) (75c-\$1.14) 11th week, 7 days. Gross: \$19,800. (Average, \$14,000)
"The Marines Fly High" (RKO)
FAY'S—(2,000) (15c-25c-32c-40c-57c) 7 days with vaudeville bill including Wanita, Marcia, Mariya, 3 French Co-Eds, Nash & Evans, Don Rice, and the Mazonne & Abbott Dancer. Gross: \$7,360. (Average, \$7,200)
"Road to Singapore" (Para.)
FOX—(3,000) (32c-42c-57c-68c) 2nd week, 7 days. Gross: \$12,500. (Average, \$13,000)
"Strange Cargo" (MGM)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days, 2nd run, 2nd week. Gross: \$4,300. (Average, \$3,000)
"The House Across the Bay" (U. A.)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days. 2nd run. Gross: \$3,700. (Average, \$3,500)
"Virginia City" (W.B.)
STANLEY—(3,700) (32c-42c-57c-68c) 2nd week, 7 days. Gross: \$17,700. (Average, \$14,000)
"My Little Chickadee" (Univ.)
STANTON—(1,700) (32c-42c-57c) 2nd week, 7 days. Gross: \$5,800. (Average, \$4,500)

"Cargo" with \$3,900 New Haven Winner

NEW HAVEN, April 10.—Second week of "Strange Cargo" and "Slightly Honorable" at the College grossed \$3,900. "Young Tom Edison," dualled with "The Man Who Wouldn't Talk," took \$8,500 at the Loew-Poli. "Road to Singapore" and "Parole Fixer" in the second week grossed \$4,000 at the Paramount.

Estimated takings for the week ending April 4:

"Strange Cargo" (M-G-M)
"Slightly Honorable" (U. A.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$3,900. (Average, \$2,700)
"Young Tom Edison" (M-G-M)
"The Man Who Wouldn't Talk" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,500. (Average, \$8,000)
"Road to Singapore" (Para.)
"Parole Fixer" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days, 2nd week. Gross: \$4,000. (Average, \$4,000)
"Virginia City" (W. B.)
"Honeymoon Deferred" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days, 2nd week. Gross: \$4,500. (Average, \$5,000)

Plan Entertainment For Allied Meeting

CHICAGO, April 10.—The women's committee in charge of plans for entertaining women guests at the national Allied convention June 19-21, will hold a meeting at the Covenant Club on April 15. Mrs. Jack Kirsch is chairman.

William A. Pierce, assistant to Charles R. Rogers, Columbia producer, is in Chicago for several weeks to work out plans for the making of the Hull House picture Rogers has scheduled. Shooting of scenes locally will start in a few weeks, Pierce said.

United Artists held a trade showing of "Rebecca" at the Esquire Theatre. More than 600 Illinois exhibitors attended.

Frank Barch, 49, a projectionist at the United Artists Theatre for many years, is dead. Barch had been with B. & K. for 15 years.

Cecil Shepherd, 35, manager of the Apollo in Belvidere, Ill., died recently.

Weiss, Kahn Form Two New Companies

Formation of two new companies, Gateway Productions and Hollywood Productions, was disclosed yesterday by Louis Weiss and Richard C. Kahn. Weiss and Kahn, here from the Coast, plan a week's stay.

The new company will produce a 15-episode serial with an all-Negro cast and plans two Negro features and four features with white casts. Weiss has with him the first of a series of 12 contest shorts. Called "Guess Who?" the reels show famous stars in silhouette and the audience competes for prizes in identifying the stars.

British Operators To Reserve Listing

LONDON, April 10.—The Government is expected to place film theatre projectionists on the list of reserved occupations, thus exempting them from military service, according to authoritative forecasts here. The decision is expected to be forthcoming next week. The industry has sought such a designation for projectionists since shortly after the start of the war.

Settle Standard Suit

Suit of Standard Picture Productions, Inc., against Du Art Film Laboratories, Inc., for \$50,000 damages was settled yesterday in the U. S. District Court on unrevealed terms. Standard had claimed that the defendant unlawfully refused to surrender the negative of "The Headleys at Home."

Wins 'Harvest' Fee

A Municipal Court jury directed Andrew R. Heymann, president of French Cinema Center, Inc., to pay \$500 to Arthur Garfield Hays, counsel for the American Civil Liberties Union, for services in obtaining the removal of the censor ban on "Harvest."

20th-Fox Shifts Paulson

DES MOINES, April 10.—L. C. Paulson, formerly with the 20th Century-Fox exchange at Denver, has joined the local exchange as salesman.

It Had to Be Good

Oskaloosa, Iowa, April 10.—Howard Havener, sufferer from arthritis, unable to assume any position except standing or reclining, was taken by friends in an ambulance to the local theatre to see "Gone With the Wind." He stood the entire four hours in the rear of the theatre. It was the first show he had seen in seven years.

Julian Named RKO Manager in Japan

Charles Julian has been appointed RKO managing director for Japan with headquarters in Tokio, succeeding Richard D. Spierman, who has been transferred as managing director for India at Calcutta. Spierman replaces Norman Durant, who resigned.

A. McIver, formerly with RCA Photophone in the Orient, has been placed in charge of RKO's Singapore office, which was recently opened.

Conn. Allied to Meet

NEW HAVEN, April 10.—Allied Theatre Owners of Connecticut will meet tomorrow at the Hofbrau Haus Restaurant, with A. M. Schuman presiding. Discussion will center about the Federal court suit filed by Ascap against the Pequot Theatre here.

Shearer in 'Escape'

HOLLYWOOD, April 10.—Norma Shearer has been assigned a leading role in M-G-M's picturization of "Escape," from the novel by Ethel Vance. She will be co-starred with Robert Taylor.

'Pinocchio' Is Frisco's Lead With \$16,500

SAN FRANCISCO, April 10.—"Pinocchio" maintained brisk box-office pace, drawing \$16,500 in the second week at the Golden Gate. "Rebecca" drew an excellent \$11,500 at the United Artists, likewise holding for a third week. Other bills were affected by rainy weather.

Estimated takings for the week ending April 2-5:

"Pinocchio" (RKO)
GOLDEN GATE—(2,850) 35c-40c-55c, 7 days, 2nd week. Stage: vaudeville. Gross: \$16,500. (Average, \$15,000)
"Too Many Husbands" (Col.)
"Blondie on a Budget" (Col.)
ORPHEUM—(2,440) 15c-30c-35c-40c, 7 days, 2nd week. Gross: \$7,800. (Average, \$8,000)
"Virginia City" (W. B.)
"Free, Blond and 21" (20th-Fox)
FOX—(5,000) 15c-30c-35c-40c, 7 days, 2nd week. Gross: \$15,000. (Average, \$16,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
PARAMOUNT—(2,740) 15c-30c-35c-40c, 7 days, 2nd week. Gross: \$11,000. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) 15c-35c-40c-55c, 7 days, 2nd week. Gross: \$11,500. (Average, \$8,000)
"Young Tom Edison" (M-G-M)
"Ghost Comes Home" (M-G-M)
ST. FRANCIS—(1,400) 15c-30c-35c-40c, 7 days, 3rd week. Gross: \$5,000. (Average, \$6,000)
"Castle on the Hudson" (W. B.)
"Money to Burn" (Rep.)
WARFIELD—(2,680) 15c-30c-35c-40c, 7 days. Gross: \$9,500. (Average, \$12,000)
"Ultimatum" (Hoffberg)
CLAY—(400) 15c-35c-40c, 7 days. Gross: \$800. (Average, \$1,000)
"A Midsummer Night's Dream" (Foreign)
LARKIN—(390) 15c-35c-40c, 7 days. Gross: \$800. (Average, \$1,000)

IN OLD MISSOURI

WEAVER BROTHERS and ELVIRY



with

JUNE STOREY
MARJORIE GATESON
THURSTON HALL
THE HALL JOHNSON CHOIR
DIRECTED BY FRANK McDONALD

Republic
PICTURE

IN ANSWER TO MISREPRESENTATION AND STATISTICAL PERVERSION



AUDIT BUREAU *of* CIRCULATIONS



1. MOTION PICTURE HERALD
2. Quigley Publishing Co.
3. 1270 - 6th Ave., New York, N. Y.
4. Established 1907
5. Published Weekly
6. Statement for 6 months ending December 31, 1939.
7. Class, Industry or Field Served — Motion Picture Industry.

8. AVERAGES FOR PERIOD:

Mail Subscriptions—Individual	10,984	TOTAL NET PAID includ. Bulk		15,497
Net Single Copy Sales	11	Unpaid Distribution		
Mail Subs. Special (Par. 25)	4,411	Advertisers	47	
		Advertising Agencies	23	
		Correspondents	61	
		Samples to Prospective Advertisers		
		Exchanges, Complimentary, Subscription Salesmen, Samples & Employees	904	
TOTAL NET PAID exclud. Bulk	15,406			
Term Subscriptions in Bulk (Par. 26)	91			
Single Issue Sales in Bulk		Total Unpaid		1,035
TOTAL NET PAID includ. Bulk	15,497	Total Distribution		16,532



AUDIT BUREAU *of* CIRCULATIONS



1. BOXOFFICE
2. Associated Publications
3. 4704 East 9th Street, Kansas City, Mo.
4. Established 1920
5. Published Weekly
6. Statement for 6 months ending December 31, 1939.
7. Class, Industry or Field Served — Motion Picture Industry.

8. AVERAGES FOR PERIOD:

Mail Subscriptions—Individual	11,147	TOTAL NET PAID includ. Bulk		13,422
Net Single Copy Sales	1	Unpaid Distribution		
Mail Subs. Special (Par. 25)	2,270	Advertisers	124	
		Advertising Agencies	140	
		Correspondents	57	
		Samples to Prospective Advertisers	118	
		Exchanges, Complimentary, Subscription Salesmen, Samples & Employees & Expired Subs.	1,494	
TOTAL NET PAID exclud. Bulk	13,418	Credit Subs. Canc. for Nonpayment	21	
Term Subscriptions in Bulk				
Single Issue Sales in Bulk	4	Total Unpaid		1,954
TOTAL NET PAID includ. Bulk	13,422	Total Distribution		15,376

“Integrity Is The Priceless Ingredient of Service”

OF IMPORTANCE TO ADVERTISERS

HERALD

Total Net Paid
Subscriptions — 15,497

•

Exhibitor Paid
Subscriptions — 12,319

•

Subscription Rate—\$5.00

•

Subscriptions Obtained
By Premium Gifts—NONE

•

Copies received by advertisers are identical with copies received by all subscribers.

"B" PAPER

Total Net Paid
Subscriptions — 13,422

•

Exhibitor Paid
Subscriptions — 10,133

•

Subscription Rate—\$2.00

•

Subscriptions Obtained
By Premium Gifts—2,478

•

A so-called national edition with an average of 145 copies per edition, not uniform in content or paper stock.

** All facts and figures from Audit Bureau of Circulations statements, December 31, 1939 —without comparative distortion.*

Drawn especially for
"The Biscuit Eater" by
Morgan Dennis...avail-
able for your campaign.



"... there is no romance in
the world like the romance
of a boy and his dog ..."

Congratulations . . .
"BISCUIT EATER"
... you're a real champion!

Today, the entire town of Albany, Georgia celebrates your picture debut in Paramount's "The Biscuit Eater." Tomorrow, the entire nation will read of your triumphant premiere in the year's greatest heart picture. Radio, newsreels, sports writers, feature writers, from coast to coast have assembled to make you Glamour Dog No. 1... a real thoroughbred... and box office Champion! *Released Nationally May 24th!*



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OL. 47. NO. 73

NEW YORK, U.S.A., FRIDAY, APRIL 12, 1940

TEN CENTS

Probe of FCC By Congress Held Unlikely

Set Television Rules, Wheeler Demands

WASHINGTON, April 11.—Possibilities of a Congressional investigation of the Federal Communications Commission because of its recent television ruling appeared remote today as an informal vote of the Senate Interstate Commerce Committee showed a majority of its members opposed to a probe, but a speedy settlement of the present dispute appeared much more likely.

Major developments today were: James L. Fly, F.C.C. chairman, declared that the lifting of limited commercial restrictions was only a matter of a few months. His statement was made after a conference with President Roosevelt in the White House.

President Roosevelt included the F.C.C. among the agencies he seeks to reorganize.

Senator Wheeler, chairman of the Senate committee, virtually demanded that television manufacturers and the commission "get together" for an immediate decision on standards for television.

R.C.A. representatives testified about
(Continued on page 7)

Elect Bamberger

Ampa's President

Leon J. Bamberger, sales promotion manager of RKO, was elected president of the Ampa for the ensuing year at the annual elections held yesterday at Dempsey's Restaurant.

A first ballot resulted in a 15-15 tie between him and Louis Pollock, Eastern advertising and publicity director for Universal. Pollock thereupon withdrew as a candidate and moved that Bamberger's election be made unanimous. This motion was seconded by Charles C. Pettijohn, general counsel of the M.P.P.D.A., and it carried by a majority vote.

Others elected were: vice-president, Vincent Trotta, Advertising Accessories, Inc.; secretary, Joseph Gould, United Artists; treasurer, Edward Schreiber, Warners; directors, Paul N. Lazarus, Jr., the retiring president, and Louis Lifton, Rutgers Neilson, Martin Starr, Eli Sugarman; trustee, Herbert Berg; delegate to the National Chamber of Commerce, Hal Horne.

Lazarus read the report of the retiring president.
(Continued on page 4)

70,500 'U' Shares Sold by Cochrane

A total of 70,500 shares of Universal Corp. stock was acquired from R. H. Cochrane, former president, by the syndicate of 10 company executives in the deal consummated recently. Purchase price was reported to be in the neighborhood of \$350,000.

The stock is about 20 per cent of the Universal Corp. shares outstanding and was distributed pro rata among the 10 purchasers.

20th-Fox Planning Wide Air Campaign For Next Season

CHICAGO, April 11.—Charles E. McCarthy, advertising and publicity director of 20th Century-Fox, here for the company's sales convention, says that during the new season the company will have "a very full and effective radio campaign."

Policy of the company will continue to be that radio tieups will be used only when they can promote greater ticket-selling at the box-offices. This rule has been laid down by Darryl F. Zanuck, vice-president in charge of production, and is the guiding policy during the present season, in which 20th Century-Fox radio exploitation has been extensive.

The policy was formulated a little more than a year ago. The studio
(Continued on page 5)

Williams to Reveal New Anti-Trust Suit Information Today

Disclosure of the additional information pertaining to Government allegations in the New York anti-trust suit is scheduled to be made today by Paul Williams, trial counsel for the Government, on his arrival here from Washington.

The new Government disclosures are being made in accordance with directions issued by Federal Judge Henry W. Goddard in U. S. District court here two weeks ago. Judge Goddard held at the time that the Government's allegations pertaining to acts of the defendant companies had not been sufficiently substantiated by the Department of Justice's answers to the companies' interrogatories, nor had the Government complied with the provisions of its own stipulations on the answers it would provide.

It was reported here yesterday that the Government's new answers are still incomplete, particularly with respect to production matters, and that either additional time might be required to complete the answers or defendants might be obliged to present an order to Judge Goddard citing the deficiencies and directing that they be corrected.

Defendants' application for a one-month postponement of the trial date to June 1 is expected to come before Judge Goddard for consideration today. The action is being made primarily because John W. Davis, Loew's M-G-M counsel, and Ralph Harris, 20th Century-Fox counsel, are engaged in trial of another suit which probably will not be concluded until after the middle of May.

Neely Divorce Bill Is No Bar To Settlement

Negotiations for Decree Still Under Way

WASHINGTON, April 11.—Possibilities of a consent decree in the Government's New York anti-trust suit were said today in Washington to be as good as ever, despite the introduction of the Neely theatre divorce bill.

The negotiations were still active as recently as yesterday, it was said in informed quarters, and there now appears to be no reason to believe that the introduction of the Neely measure will either hamper or aid an out-of-court settlement of the suit, it was said.

Both here and in New York the greatest obstacle to a settlement agreement is believed to be the differences of opinion among the defendants themselves on important points of the proposed decree. In some trade quarters these differences are viewed as irreconcilable by more than a majority of the eight company defendants.

It was suggested here, however, that if a consent decree was agreed upon,
(Continued on page 4)

Fair Productions

Face Union Tieup

Actor unions moved yesterday to tie up all productions at the New York World's Fair as the deadlock with Fair officials continued. Three shows were immediately affected.

After the cast of the "American Jubilee" was ordered to withdraw from rehearsals by Actors Equity, the management yesterday dismissed all performers. The American Guild of Musical Artists ordered its members to refrain from rehearsals of a production by the Ford Motor Co. which is planned for the industrial area. The American Guild of Variety Artists attempted to organize the cast of Billy Rose's "Aquacade" and to stop rehearsals there.

Other unions involved are the stagehands, projectionists, scenery movers and theatrical teamsters. It was pointed out that many of the industrial exhibits employ stagehands, and many also have film shows which require projectionists. The theatrical unions are pledged to refuse to work at the Fair unless each of them obtains an acceptable contract.

Thomas Murtha, head of Local 4,
(Continued on page 4)

Albany, Ga., Celebration Welcomes 'Biscuit Eater'

By SAM SHAIN
ALBANY, Ga., April 11.—Paramount held the world premiere of "The Biscuit Eater" here tonight, at the Albany Theatre.

The film was produced by Jack Moss.

Albany is the locale of the story of the picture which was mostly photographed here, too. In connection with the premiere, the State of Georgia and this city staged a big, one-day celebration, the Civic Pride and Progress Celebration.

Gov. W. D. Rivers, Mayor W. B. Haley, Coast stars, about 50 reporters, editors and trade press representatives, besides Paramount officials from Hol-

lywood, New York and Atlanta were here for the festivities. The whole town turned out to celebrate, police estimating the crowds at 20,000. The premiere and celebration was rivaled in Georgia only by Atlanta's "Gone With the Wind" observance.

Public buildings were festooned, floral decorations were everywhere and natives were in holiday clothes as the town dropped its reconstruction labors to celebrate and forgot the shock of the sudden tornado which swept through here two months ago.

As an added festive event, the Florida-Georgia Baseball League opened its season here today and, fol-

(Continued on page 4)

Broadway's Film Grosses Pick Up

Midweek business along Broadway picked up after a slack weekend and holdovers wound up with fairly good grosses.

"It All Came True," with Eddy Duchin's band on the stage, grossed an estimated \$35,000 for its opening week at the Strand and is held over. At the Paramount, "Dr. Cyclops" opened Wednesday with a stage show headed by Lupe Velez, Red Skelton, who was held over after four weeks at the house, and Mitchell Ayres' band, and took an estimated \$7,000 for the day. It will be held for two weeks.

"Rebecca" with a stage show at the Music Hall continued its strong pace during the second week and drew an estimated \$98,000 for the stanza. It holds for a third week and may go a fourth.

"Dr. Kildare's Strange Case" opened yesterday at the Capitol and "Johnny Apollo" bows at the Roxy this morning. The second week of "Broadway Melody of 1940" grossed an estimated \$25,000 at the Capitol, while the third week of "Primrose Path," with a stage show at the Roxy took an estimated \$33,000. The second week of "It's a Date" at the Rivoli was good for an estimated \$18,000, with "French Without Tears" opening April 20.

Officers of K-A-O Are All Re-elected

All officers of Keith-Albee-Orpheum Corp. were re-elected at the annual meeting of the company's board of directors yesterday.

Officers are: George J. Schaefer, chairman of the board and president; Malcolm Kingsberg, vice-chairman of the board and executive vice-president; Leon Goldberg, treasurer; William F. Whitman, secretary; O. R. McMahon, W. J. Kernan, William Murray and H. E. Newcomb, assistant treasurers; Louis Joffe and Harry M. Pimstein, assistant secretaries.

The board declared a dividend out of operating surplus of \$1.75 per share on the seven per cent cumulative convertible preferred stock for the quarter ended Dec. 31, 1937, payable on July 1, next, to holders of record on June 14.

Japs Honor 'Robin'

Warners report that for the first time, the Board of Education of the Japanese Government has given a general endorsement to an American film, "The Adventures of Robin Hood." The picture was recommended for general patronage.

Purely Personal

JOSEPH A. McCONVILLE, Columbia foreign manager, will arrive in New York on the *Brazil* tomorrow, completing a two-month business trip to Central and South America.

JOHN CROMWELL, RKO director, will take over the Cinema Arts class at U.C.L.A., Los Angeles, for one period this week.

JOSEPH M. CUMMINGS, M-G-M assistant branch manager in Boston, observes a birthday tomorrow.

W. RAY JOHNSTON, Monogram president, plans to leave for the Coast tomorrow.

ELLEN DREW, screen player, is in town, stopping at the Waldorf-Astoria.

WILLIAM DANZIGER of the M-G-M advertising staff is vacationing in Havana.

WILLIAM SAAL of Republic has returned to the studio from Kansas City.

RUTGERS NEILSON, RKO publicity manager, is ill at his home.

HARRY RAPF is in town from the Coast.

J. R. McDONOUGH, RKO vice-president, will leave for the Coast over the weekend following a 10-day visit here.

FRED SCHWARTZ, HARRY OSHRIN, ALEC MOSS, AUSTIN KEOUGH, LUPE VELEZ, EDWARD ARNOLD, MARY BRIAN, SIDNEY PHILLIPS and BEN BOYAR lunching at Sardi's yesterday.

NATE BLUMBERG, JOSEPH SEIDELMAN, TOM LOACH, JAMES MULVEY, WILLIAM GERMAN, AL YOUNG and JACK GOETZ lunched at Bob Goldstein's Tavern yesterday.

DAVID BERNSTEIN, HOWARD DIETZ, JOSEPH VOGEL, MAX A. COHEN, OWEN DAVIS and RUSSELL HOLMAN at Nick's Hunting Room in the Astor for lunch yesterday.

JOSEPH BERNHARD, general manager of Warner theatres, has returned from Florida improved in health.

EDDIE CANTOR, IRVING MANSFIELD, LEO JUSTIN and BERNARD BRANDT at Lindy's for lunch yesterday.

ARTHUR KRIM, attorney associated with Phillips & Nizer, returned from Chicago yesterday.

LEONARD GOLDENSON and SAM DEMBOW, JR., are expected from Chicago tomorrow.

Trade in Sweden Reported Normal

Business in Sweden is continuing at normal level, according to additional cables received by home offices yesterday from company representatives in Stockholm.

According to these reports the Scandinavian crisis has had no apparent effect on theatre patronage in Sweden, which is by far the most important film market of the four Scandinavian countries.

The cable advices from Stockholm reported that all means of communication with Norway and Denmark are closed but that reliable information on trade conditions in those countries is expected in Stockholm during the next "few days."

Meanwhile, home offices assume that theatres in Norway are closed but that those in Denmark are still open. Attendance in Denmark, however, is believed to be slight.

Sweden represents a full half of the Scandinavian trade, remittances from that country being equal to combined remittances from Norway, Denmark and Finland.

Agent Asks Parley On Warner Strike

Thomas J. Williams, representative of the U. S. Department of Labor, will confer here shortly with Frank Phelps, Warner industrial relations director, on the musicians' "strike" situation in Philadelphia, now in its fifth month.

Williams was in Philadelphia yesterday investigating the deadlock between the musicians' union and the circuit over the union's demands that its members be reemployed.

Speaking by telephone with Phelps yesterday, Williams requested a conference and said that he would advise Phelps of the date. Williams has been accepted as a mediator by the union. If the circuit agrees to mediate or arbitrate, Williams will then call both sides together for a meeting.

It is not known under what circumstances the Department of Labor was brought in. Warner officials say that the usual procedure would be to call on the services of the Pennsylvania state mediation board before resorting to Federal intervention.

The union last December objected to Warners reducing the number of its stage shows in the Philadelphia area and barred its members from working for the circuit in that zone.

Farnol to Chicago

Lynn Farnol, United Artists advertising and publicity director, will leave Sunday for Chicago and Minneapolis for work on the openings in those cities of "One Million B. C." and "Rebecca." He will go from there to Fort Worth and thence to the Coast in connection with world premiere plans for "The Westerner." The picture probably will have its premiere in Dallas during July.

Newsreel Parade

Shots of Norway, Denmark and Sweden are given prominence in the new issues as the theatre of the second World War has shifted to Scandinavia. The reels and their contents follow:

MOVIETONE NEWS, No. 67—Change of war scene. Roosevelt speeds Washington. Danish envoy lauds national bravery. Queen Wilhelmina reviews troops. Norwegian envoy in Washington. Duke of Kent honors submarine heroes. Motor cycle chore on Western Front. Graduations at French military school. Fashions in linen. Trout run on. New England A. A. U. bouts. Lew Lehr.

NEWS OF THE DAY, No. 260—Scandinavia invaded by Germany. New Arthur Murray dance. Metaphysicians claim baby to be immortal. Tennis matches. Diving exhibitions.

PARAMOUNT NEWS, No. 65—Homemade "ark" for voyage to Alaska. Third tornado hits Louisiana. Survey snow in Washington mountains. Association for hitch-hikers in California. Blitzkrieg in Scandinavia.

RKO PATHE NEWS, No. 77—Nazis invade Scandinavia. New York Fair prepares for reopening. Students form hitch-hikers' club. Use airplane as moving van. Police boxing matches. Ski races at Mt. Hood.

UNIVERSAL NEWSREEL, No. 866—Scandinavian invasion. Miraculous Medal Mass in Philadelphia. Snow survey in Washington mountains. Homemade "ark" for Alaskan trip. Students design trick hats. Policemen in ring bouts. Rodeo in Arizona. Bicycle races in England.

Deny Bioff's Request For Freedom on Bail

SPRINGFIELD, Ill., April 11.—The Illinois Supreme Court today refused to reconsider its denial of supersedeas and bail for William Bioff, Coast I. A. T. S. E. leader, who is fighting for his freedom on bail pending a review by the state court of an 18-year-old Chicago conviction.

The refusal to reconsider the bail plea means that Bioff will be remanded to jail pending the high court review unless the trial court in Chicago, the Criminal Court, allows bail there. The State Supreme Court is expected to consider the case at the June term.

J. G. Hawks Dies

LOS ANGELES, April 11.—J. G. Hawks, 65, pioneer film writer, died here last night. Formerly a story editor for Samuel Goldwyn and Louis B. Mayer, Hawks wrote his first scenario in 1911.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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AT "FORTY
LITTLE MOTHERS"**

M-G-M

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PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

South Greet 'Biscuit Eater' With Fanfare

(Continued from page 1)

Following the game, the press were guests at a barbecue held on Barron Collier's estate at Radium Springs. The day's events were broadcast both afternoon and evening over WSB of Atlanta and national hookups.

Following the presentation of the film, a charity dance for the local hospital league was held in the high school gymnasium, with Enoch Light and orchestra providing the music.

South Georgia was proud today as there came into its midst for this celebration, Billy Lee, boy hero of the picture, Walter Brennan, Evelyn Keyes and John Howard and Jean Cagney.

Additionally, a tieup with the Tailwaggers' Foundation brought to this city in honor of the picture, which is a story about a dog's bravery, several unusual ambassadors from Hollywood, the canine pets and favorites of Bing Crosby, Dorothy Lamour, Robert Preston and Irene Dunne, besides about 25 others belonging to the local citizenry. The pets were on display in specially built kennels in the foyer and lobby of the Albany Theatre tonight.

Another tieup which brought visitors to this celebration was a "Boy and Dog" contest. The winners, Gerald Bosbein of New Orleans and Jack Smith of Atlanta, were the special guests of the committee-in-charge.

Executives to Speak To Coast Exhibitors

HOLLYWOOD, April 11.—Darryl F. Zanuck, vice-president in charge of production for 20th Century-Fox, and other production and distribution executives will address the first annual convention of the Pacific Coast Conference of Independent Theatre Owners, on May 8-10 here, it was announced today.

W. F. Rodgers, general sales manager for M-G-M; Herman Wobber, general sales manager for 20th-Fox; Ed Kuykendall, M.P.T.O.A. president, and Frank Capra already have accepted invitations of Robert H. Poole, general chairman of the conclave.

Also invited to speak were Abe Montague, Neil Agnew, Charles Regan, Ned Depinet, James R. Graininger, Gradwell Sears, William Scully, L. J. Schlaifer and George Dembow. Exhibitors who will speak include High Bruen, Jack Y. Berman, A. West Johnson, Ben Levin, L. O. Lukan, Bob White, Rotus Harvey, W. G. Ripley.

Bronston Due East On Globe Merger

HOLLYWOOD, April 11.—Following weeks of negotiations for the merger of Globe Productions, headed by James Roosevelt, and Samuel Bronston Productions, Inc., recently formed, Bronston left for New York by plane today to confer with his board of directors.

Bronston declared that negotiations have advanced sufficiently to warrant the conference. If the deal goes through, it will be for the making of features only and will not include the novelty shorts which Globe is scheduled to make.

At Premiere in Albany, Ga.



[Exclusive Wirephoto]

Among the guests at the press barbecue preceding the opening of "The Biscuit Eater" in Albany, Ga., yesterday, were (left to right): Oscar Morgan, Southern Division manager for Paramount; Grantland Rice, greeting Billy Lee, star of the film; R. B. Wilby, of the Wilby-Kincy Circuit; W. K. Jenkins, of the Lucas-Jenkins Circuit, and Robert M. Gillham, advertising and publicity director for Paramount.

Hollywood Review

"The Biscuit Eater"

(Paramount)

HOLLYWOOD, April 11.—As the somewhat extensive exploitation of the distributing concern has made known to most observant showmen by now, this is a picture about a dog and a boy, a filming of a *Saturday Evening Post* story by James Street, produced in the scene of the story and world premiered there under circumstances designed to promote extensive publicity for the production. These are facts manifestly pertinent to each individual exhibitor's exploitation plans for exhibition of the film locally.

Pertinent to these plans, too, is the fact that the Tailwaggers Foundation, devoted to dog interests, staged a bench show in the foyer of the Hollywood (Westwood) theatre where the film was given its professional preview, the display attracting a large crowd and building much interest in the picture. It appears a wholly practical example of showmanship, recommending itself for adoption generally.

This professional preview audience which saw the picture expressed its delight in three audible ways. It laughed out loud at the humor, it cried unabashedly when the boy-and-dog pathos mounted, and it applauded spontaneously in a number of spots. Not one picture in 50 makes a Hollywood preview audience do all three of these things.

Billy Lee and Cardell Hickman, a colored boy, have the stellar roles, a fine hunting dog, Tiverton Invader ("Promise" in the picture) having runnerup spot. Richard Lane, Lester Matthews, Helen Millard and Snowflake, an adult colored actor, are the other players.

Jack Moss produced the film, a simple, wholesome story, and Stuart Heisler directed. Adaptation is by Stuart Anthony and Lillie Hayward. Running time, 80 minutes. "G".*

ROSCOE WILLIAMS

*"G" denotes general classification.

Women's Clubs Ask Special May 30 Film

The Committee on Motion Pictures of the General Federation of Women's Clubs has asked that all exhibitors in the United States set aside May 30 as a day to be "thankful that we live in America," and to show films on that day which embody elements of American democracy.

According to Mrs. Arretus F. Burt, committee chairman, Ed Kuy-

kendall, president of the M.P.T.O.A., has promised the cooperation of his organization. Mrs. Burt has prepared a list of films which are suggested as suitable for the occasion. National Screen Service is arranging to supply appropriate trailers.

L. J. Sack to Dallas

Lester J. Sack, manager of the New York office of Sack Amusement Enterprises, leaves here tomorrow for his headquarters in Dallas.

Elect Bamberger Ampa's President

(Continued from page 1)

ing officers and directors, which reviewed the year's activities. The report recommended the establishment of a relief fund for the industry in the East; a continued campaign for new members, the limiting of membership to persons engaged in film advertising or publicity, and the dropping of members who have been behind in their dues and have shown no interest in the organization. The drafting of a new constitution to replace the present one, which was adopted in 1934, also was recommended.

Lazarus said that 18 active members joined during the year and that for the first time in many years the Ampa treasury is solvent with a substantial balance in the bank.

On behalf of the members, Sugarman presented a golf bag set to the retiring president. Talks were made by Bamberger, Trotta and other newly elected officers.

Fair Productions Face Union Tieups

(Continued from page 1)

the Brooklyn stagehands' union, and also president of the Central Trade and Labor Council, called an emergency meeting of the Council last night to seek a sympathetic walkout in the event the theatrical unions were unable to settle with the Fair.

Many of the members of the cast of "American Jubilee" expressed a desire to work for the scale of \$40 weekly as offered by the Fair, but Equity insisted that a \$45 minimum be established. The stagehands are seeking minimums of \$150 weekly for heads of departments while the Fair is offering \$115. Projectionists have demanded \$117.81 for a seven day week while the Fair insists that the prevailing wages paid in New York City theatres of between \$65 to \$75 for seven days should be the scale at the Fair. Scenery movers demand \$7. for a six day week of six hours daily with the Fair offering \$80 weekly for six days of eight hours each.

Neely Divorce Bill No Bar to Decree

(Continued from page 1)

chances of enactment of either the Neely block booking or theatre divorce bill would be greatly lessened and the industry would have a breathing spell in which to evaluate effects of the new policies which would be adopted.

The fact that there is virtually no possibility whatever of the Neely divorce measure being enacted at this session of Congress was cited also as a further reason why its introduction should have no bearing, one way or another, on the outcome of the settlement negotiations.

In addition, it is known that film attorneys regard the divorce measure as being vulnerable on constitutional grounds and would not be likely to alter their attitude toward a consent decree because of the bill.

Fawcett Is President

Wilford H. Fawcett, Jr., eldest son of Captain W. H. Fawcett, founder of Fawcett Publications and president of the company until his death in February of this year, was elected president at the annual stockholders' meeting

Wider Radio Use Planned By 20th-Fox

(Continued from page 1)

permits its players to broadcast only when they can go on the air in connection with the current release of a picture, thereby using radio to augment the publicizing of films.

Last May the company sponsored the broadcast of the Kentucky Derby, tying this up with the release of "Rose of Washington Square." Coast-to-Coast radio hookups have been found effective in exploiting biographical and musical films. Several films were exploited on the Kate Smith Hour over CBS, and the relationship with this program will continue next season. In addition, arrangements will be made with local stations to help in publicizing 20th Century-Fox films for theatres.

The three-day convention will get under way tomorrow at the Drake Hotel, with Herman Wobber, general manager of distribution presiding. Speakers tomorrow will include also Division Managers William Sussman, W. J. Kupper and W. C. Gehring. William Clark, Harvey Day and Paul Terry will outline the shorts program. McCarthy will detail plans of his department.

Highlights of the meeting will be on Saturday when Wobber will discuss the scheduled program of pictures, and on Sunday when addresses will be made by Zanuck, Joseph M. Schenck, chairman of the board, and Harry Brand, studio publicity director.

Harry Ballance, Southern district manager, will be presented with the President's prize for having placed first in the S. R. Kent Drive. Other drive prizes will be distributed to district and branch managers for their personnel.

There is a minimum of entertainment in the convention program, which is "strictly business." Wobber and other home office executives will return to New York on Monday.

Terry-Toons Shorts In 10,000 Theatres

CHICAGO, April 11.—Terry-Toons, animated cartoons released by 20th Century-Fox, play in 10,000 theatres in the United States and Canada besides many foreign theatres, Paul Terry, the producer, said here today. Terry is attending the 20th Century-Fox sales convention.

Terry this week rounds out 25 years as a cartoon producer, the oldest in the business. This week, also, his New Rochelle studio placed in production the final film in his 10th season of Terry-Toons.

"Cartoons have come a long way in 25 years, but their greatest days are still to come," Terry declared.

Disney Asking Dismissal

Walt Disney Productions and RCA Manufacturing Co. will apply today to the N. Y. Supreme Court for an order dismissing the \$200,000 damage suit of Adriana Caselotti for alleged failure to state a meritorious case. Plaintiff contends that the defendants, unauthorized, sold records of her voice which was used for "Snow White" in "Snow White and the Seven Dwarfs."

The Ranking 20th Century-Fox Executives



JOS. M. SCHENCK
Chairman of
Board



SIDNEY R. KENT
President of
20th-Fox



DARRYL ZANUCK
Vice-President
Production



WILLIAM GOETZ
Assistant to
Zanuck



H. WOBBER
General Manager
Distribution



FELIX JENKINS
General Counsel
of 20th-Fox



WM. SUSSMAN
Eastern Sales
Manager



WM. GEHRING
Central Sales
Manager



WM. KUPPER
Western Sales
Manager



**W. J. HUTCHIN-
SON**
Foreign Sales
Manager



CHAS. MCCARTHY
Director Publicity
and Advertising

Griffith-Dickinson Name Is Changed

KANSAS CITY, April 11.—The name of the Griffith-Dickinson Theatres, Inc., is to be changed to H. J. Griffith Theatres, Inc., following purchase of the Glen W. Dickinson interest last week by H. J. Griffith and Partnership Theatres, Inc.

Barnes Perdue, assistant manager at Manhattan, Kan., for H. J. Griffith Theatres, has gone to Chillicothe, Mo., to manage the Ritz and Grand. He succeeds Glen W. Dickinson, Jr., who joins his father in Kansas City in the operation of three theatres and other business.

Roscoe Hopkins, formerly manager of the Booth and Paramount, Nebraska City, Neb., for Williams-Griffith Theatres, Inc., has gone to Denver City, Tex. He is succeeded by Stanley McSwain.

Carolina Exhibitor Convention June 9

CHARLOTTE, N. C., April 11.—H. R. Berry, Hartsville, S. C., president of the Theatre Owners of North and South Carolina, Inc., has announced that the exhibitor organization will hold its annual Summer convention at Myrtle Beach, S. C., June 9 to 11.

Metro Team in K. C.

M-G-M's "20 Mule Team" caravan today will reach Kansas City, the first stop in its transcontinental tour from Los Angeles to New York. Scheduled to visit 37 cities in 42 days, the caravan is under the supervision of Capt. Volney Phifer, and the team is being driven by Curley Eagles. Stopping in Jefferson City tomorrow, next week's stops will be at St. Louis, Springfield, Ill., Peoria, Milwaukee and Chicago.

Connecticut MPTO Will Meet Tuesday

NEW HAVEN, April 11.—The Connecticut M. P. T. O. will meet at luncheon Tuesday with Arthur H. Lockwood presiding. Herman Levy, executive secretary, has circularized Connecticut exhibitors with a questionnaire as to whether they are for or against the Neely bill, and will publish the results of the survey in the next organization bulletin.

Federal decisions affecting the industry and postal regulations on circulars left in mail boxes, are among the topics scheduled for discussion.

Pioneers Meet April 20

The Spring Conference dinner of the Picture Pioneers, Inc., an organization of 25-year industry veterans, will be held at the Waldorf-Astoria, April 20.

Tips on Exploitation

Honeymoon Contest Aids 'Swiss Family'

Manager Neil McGill of the Imperial Theatre, Charlotte, N. C., and Manager William Pratt of the Paramount, Atlanta, launched a contest simultaneously for a honeymoon couple of each community who wanted to live for two weeks on the famed Honeymoon Island in Florida, as a stunt for "Swiss Family Robinson." The Charlotte News and the Atlanta Constitution assisted in the stunt.

Motorcycle Stunt Used for 'Primrose'

PROVIDENCE, April 11.—Based on the motorcycle sequence in "The Primrose Path," George French of the RKO Albee made a tieup with the only cycle store in downtown Providence, supplying a strip of action stills from the film for a window display. The store used a motorcycle bannered on the film in the downtown streets. The picture also proved a natural on tie-ups with florists.

Edison Memorial Tree Planting Aids Picture

As part of his "Young Tom Edison" campaign for the Colonial, Lancaster, Pa., Fred Forry arranged for the planting of an oak tree by Boy Scouts in memory of Thomas Edison. The ceremonies took place in a local park. Forry also arranged for display of an authentic Edison projector in the windows of the local power and light company.

Ushers in Southern Dress for 'Wind'

Lou Kusner of the Apollo Theatre, Martinsburg, W. Va., had his girl ushers dress in Southern evening wear with hoop skirts during the engagements there of "Gone With the Wind."

'Virginia' Garners \$16,800 in St. Louis

ST. LOUIS, April 11.—Business took a sharp upturn in St. Louis, due to good pictures and balmy weather. "Virginia City" led with \$16,800 at the Fox, and "It's a Date" and "The Blue Bird" took \$14,000 at the Ambassador.

Estimated takings for the week ending April 4:

"Rebecca" (U. A.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$12,000. (Average, \$13,000)
"It's a Date" (Univ.)
"The Blue Bird" (20th-Fox)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$14,000. (Average, \$11,500)
"Virginia City" (W. B.)
"British Intelligence" (20th-Fox)
FOX—(5,038) (25c-40c-55c) 8 days. Gross: \$16,800. (Average, 7 days, \$11,000)
"Grapes of Wrath" (20th-Fox)
"Road to Singapore" (Para.)
MISSOURI—(3,514) (25c-40c-55c) 9 days. Gross: \$6,000. (Average, 7 days, \$4,000)
"The Farmer's Daughter" (Para.)
ST. LOUIS—(25c-35c) 7 days. Gross: \$3,500. (Average, \$2,600)

Grants Standard Motion

Justice Hofstadter in N. Y. Supreme Court has granted a motion to reargue and, on reconsideration, a motion to dismiss, in the suit of Harry Segal, former sales manager, against Standard Pictures and George Leganas, company head. Segal sued for \$32,000, allegedly due as sales commissions.

SHORT SUBJECT REVIEWS

"America's Youth—1940" (RKO)

This subject, No. 9 in the "March of Time" series, is an interesting, highly significant screen document, presenting the case of the nation's youth. Making its points with expert pictorial execution, the subject offers the problem of today's youth in this country. Better off than their fellows in many other parts of the world, nevertheless they are beset by the problem of what to do, and how to do it. Their elders are taking an interest in their problem, the film indicates, with national surveys, and the work of the National Youth Administration. This is a notable number in the series. Running time, 19 mins.

"Romance in Rhythm" (Warners)

Pleasing harmony makes this entertaining. Featured are Barry McKinley in song numbers, the Kidoodlers and their novelty instruments and The Three Randalls giving their version of "The Whirling Dervish." The music is by Carl Hoff and his orchestra. Running time, 10 mins.

"Pilgrim Porky" (Warners)

This "Looney Tune" presents Porky Pig as skipper of the good ship *Mayflower* and although the adventures described are not strictly historical, the modern touches are humorous. The film has a swing, and even the Pilgrims would like it. Running time, 7 mins.

"The Singing Dude" (Warners)

Dennis Morgan, Lucile Fairbanks and Fuzzy Knight head a capable cast in this well-produced color western which has Morgan as a fugitive from justice because of a murder. With Fuzzy, Morgan gets employment at a ranch owned by Miss Fairbanks, who depends on winning the rodeo to

save the property. When the designated rider is injured in a fight with Morgan, the latter decides to ride although to do so would be to disclose his identity. He wins the contest, and the Sheriff discloses that he wasn't wanted after all. Morgan has a good singing voice. Running time, 18 mins.

"Men Wanted" (Warners)

Alaska, its scenic wonders, opportunities and development, is the subject of this color film. Shown are Ketchikan, home of the fishing industry; Juneau, capitol of Alaska; Anchorage, jumping-off place for prospectors; Fairbanks, mining center, as well as the transportation routes. The film was written and directed by Ira Genet. Running time, 10 mins.

"No Parking" (Warners)

The Grouch Club delivers 10 minutes of very funny situations in which one Wallace Jipper, played by Arthur Q. Bryan, describes what happens when he got a parking ticket. A well-meaning but officious "pal" injects himself into the situation, insults the cop, and starts Jipper on a train of adventures with the law which finally lands him in jail. Jipper is the embodiment of every person who has let himself be misled by so-called friends. Running time, 10 mins.

"Cross County Detours" (Warners)

This is one of Leon Schlesinger's best satires on travelogues, both in color cartoon work and the commentary, which has developed a suitable kidding style. On this trip the camera roams from Alaska to California, with the animals en route performing humorous tricks. There's a dog who races all the way from Alaska to the Redwood Forests and breaks down when he sees the abundance of trees. Running time, 7 mins.

Buffalo Spurt Is Led by 'Rebecca'

BUFFALO, April 11.—Healthy box-office figures accompanied the return of Spring weather to Buffalo. "Rebecca" did a rousing \$17,500 at the Buffalo. "Virginia City," double-billed at the Great Lakes, drew \$12,600, while "Northwest Passage" brought \$7,500 in its second week to the Hippodrome.

Estimated takings for the week ending April 6:

"Rebecca" (U. A.)
BUFFALO—(3,000) (30c-35c-55c) 7 days. D'Artega & orch., Yost Singers, Bono and his trumpet, Peggy Steawart & Gertrude Lutzi. Gross: \$17,500. (Average, \$12,000)
"Virginia City" (W. B.)
"Free, Blonde & 21" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$12,600. (Average, \$7,500)
"Northwest Passage" (M-G-M)
"Women Without Names" (Para.)
HIPPODROME—(2,500) (25c-35c) 7 days. 2nd run. Gross: \$7,500. (Average, \$6,800)
"Abe Lincoln in Illinois" (RKO)
"Little Orvie" (RKO)
TWENTIETH CENTURY—(3,500) (25c-35c) 7 days. Gross: \$5,000. (Average, \$7,500)
"Too Many Husbands" (Col.)
"Convicted Woman" (Col.)
LAFAYETTE—(3,300) (25c-35c) 7 days. 2nd week. Gross: \$6,300. (Average, \$6,300)

'Date' Gives Omaha \$7,100, Others Slow

OMAHA, April 11.—"It's a Date" pulled \$7,100 at the Orpheum for the best of a mediocre week. "Road to Singapore" was good for \$5,500 in the second week at the Omaha.

Estimated takings for the week ending April 4-5:

"Pinocchio" (RKO)
"Courageous Dr. Christian" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. 2nd week. Gross: \$3,600. (Average, \$4,000)
"Road to Singapore" (Para.)
"Calling Philo Vance" (W. B.)
OMAHA—(2,200) (25c-40c) 7 days. 2nd week. Gross: \$5,500. (Average, \$6,000)
"It's a Date" (Univ.)
"Granny Get Your Gun" (W. B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$7,100. (Average, \$7,200)

Union Benefit April 27

NEW HAVEN, April 11.—Local 74 of the I.A.T.S.E. met here recently to complete arrangements for the annual sick benefit ball and vaudeville show, to be held at the Hotel Taft April 27. President John S. O'Donnell and business agent Daniel Cummings will take charge.

'Virginia' Scores \$16,000 in Detroit

DETROIT, April 11.—"Virginia City" and "The Farmer's Daughter" led theatres with \$16,000 at the Michigan. "My Little Chickadee" and "Free, Blonde and 21" garnered \$15,000 at the Fox. "Northwest Passage" drew \$12,000 at the United Artists.

Estimated takings for the week ending April 4:

"Abe Lincoln in Illinois" (RKO)
"Rancho Grande" (Rep.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"The Fighting 69th" (W. B.)
"Intermezzo" (U. A.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$7,000. (Average, \$7,000)
"My Little Chickadee" (Univ.)
"Free, Blonde and 21" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: \$15,000. (Average, \$15,000)
"Virginia City" (W. B.)
"The Farmer's Daughter" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$16,000. (Average, \$12,000)
"Road to Singapore" (Para.)
"Swiss Family Robinson" (RKO)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$7,500. (Average, \$7,000)
"Northwest Passage" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$12,000. (Average, \$10,000)
"Gone With the Wind" (M-G-M)
WILSON—(1,912) (75c-\$1.10-\$1.50) 10th week, 7 days. Gross: \$22,500.

Band and 'Peppers' \$14,000, Milwaukee

MILWAUKEE, April 11.—Wayne King at the Riverside with the picture, "Five Little Peppers at Home," grossed \$14,000 for the week's highest take. "It's a Date" and "Three Cheers for the Irish" garnered \$8,500 at the Warner, with "Strange Cargo" and "The Ghost Comes Home" hitting \$9,300 at Fox's Wisconsin.

Estimated takings for the week ending April 4:

"Road to Singapore" (Para.)
"Sidewalks of London" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days, 2nd week. Gross: \$4,000. (Average, \$4,600)
"Five Little Peppers at Home" (Col.)
RIVERSIDE—(2,700) (30c-35c-40c) 7 days. Stage: Wayne King. Gross: \$14,000. (Average, \$6,500)
"The Farmer's Daughter" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$2,600. (Average, \$1,500)
"It's a Date" (Univ.)
"Three Cheers for the Irish" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$8,500. (Average, \$4,500)
"Strange Cargo" (M-G-M)
"The Ghost Comes Home" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$9,300. (Average, \$5,500)

'Wind' with \$15,000 Ends Cleveland Run

CLEVELAND, April 11.—Leader again in its second week at Loew's State, "Rebecca" took \$14,000. "Gone With the Wind" wound up its run at Loew's Stillman, grossing \$15,000 in its 10th week and boosting its total earnings to \$240,000.

Estimated takings for the week ending April 4:

"House of Seven Gables" (Univ.)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: \$2,500. (Average, \$4,000)
"Virginia City" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days, 2nd week. Gross: \$10,500. (Average, \$11,000)
"The Man From Dakota" (M-G-M)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Jimmie Fidler and show on stage. Gross: \$14,500. (Average, \$14,000)
"Rebecca" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days, 2nd week. Gross: \$14,000. (Average, \$11,000)
"Gone With the Wind" (M-G-M)
LOEW'S STILLMAN—(1,900) (75c-\$1.13) 7 days, 10th week. Gross: \$15,000. (Average at 30c-35c-42c, \$4,000)

Probe of FCC By Congress Held Unlikely

(Continued from page 1)

the recent research activities of their company before the F.C.C.

Commissioner T.A.M. Craven, of the F.C.C., revealed that he had plea with the commission up to the last moment not to revoke its order permitting limited commercial programs.

President Roosevelt, in transmitting the fourth of a series of reorganization plans, included the F.C.C. as among the agencies to which the reorganization law should be extended. There were no indications in the President's message of the disposition to be made of the F.C.C. if the act were continued, since the present law expires on Jan. 20, coincidental with the end of his present term in office.

Commissioner Fly was apparently impressed with Senator Wheeler's plea for a speedy and amicable settlement of the controversy and as a result, the present F.C.C. hearings lost much of their significance. Steps were taken to speed them up.

Commissioner Craven, who was unable to appear before the Senate committee because of the F.C.C. hearings, explained that his dissent from the commission's recent order was fruitless. "I wish to call particular attention," he wrote, "to the fact that as late as 10:30 A.M. on March 23, the day the order was published, I pleaded with the chairman of the commission to either delay or modify the action taken."

New attempts to start a monopoly investigation as the result of the television dispute were made in Congress today but sentiment among Congressmen appeared to be definitely against it.

Set Negro Committee For 'Benny' Opening

A committee of prominent Negro newspapermen has been formed to make plans for the premiere April 23 at Loew's Victoria in Harlem of the Paramount Jack Benny film, "Buck Benny Rides Again."

The committee includes: Billy Rowe, Isadora Smith, William Z. Clarke, Ludwig Woerner, Dan Burley, John E. Christian, William Chase, Al Monroe and Major Robinson. Harlem will celebrate the day as "Rochester Day," in honor of Eddie (Rochester) Anderson, who appears in the film.

Warners Win Suit

Dismissal after trial of a \$100,000 damage plagiarism suit of Edward A. Lynch against Warners and Joe E. Brown was ordered yesterday in an opinion of Federal Judge Clarence G. Galston. Suit had charged infringement of plaintiff's play, "When Homer Comes Marching Home" by the film, "Son of a Sailor."

Author Sues RKO

HOLLYWOOD, April 11.—Lawrence E. Sterner, British author, today filed a \$100,000 suit against RKO, Ginger Rogers and David Niven, charging that portions of his play, "Club Baby," were used without authorization in the film, "Bachelor Mother."

Screen Return Set By Mary Pickford

Hollywood, April 11.—Mary Pickford today announced her return to the screen both as star and producer "as soon as arrangements can be completed." She did not name the vehicle in which she will appear and which she plans to produce but added that she would be co-starred with several other women as well as a male player. Her representatives have been reported as having seen a private showing recently of the French film, "End of a Day."

Group Off Tuesday To Monogram Meet

Monogram's home office contingent to the franchise holders' convention at Dallas April 21 will leave New York Tuesday afternoon. The meeting will follow immediately after the national Variety Club convention in Dallas next Friday and Saturday, which the Monogram group will attend. The Monogram sessions will be held at the Baker Hotel.

Attending from the Coast will be: W. Ray Johnston, president; Scott R. Dunlap, vice-president in charge of production; Edward F. Finney, associate producer; Ralph Bettinson, foreign representative; Charles Bigelow, assistant production head; Ernest Hickson, technical director; Howard Stubbins, president of Monogram Pictures of California; Mell Hulling, West Coast district manager. Among the Monogram contract players headed for the convention are Tex Ritter, Fred Scott, Martin Spellman, Ray Corrigan and Marjorie Reynolds.

Included in the New York group are Edward A. Golden, general sales manager; Steve Brody and Ben Welansky of Boston; Harry Berkson, Albany; George West, New York; Harry Thomas, New York; Louis S. Lifton, director of advertising and publicity; Lloyd Lind; John Harrington, manager of accessories and prints; Norton V. Ritchey, foreign manager, and Edward G. Schieber, assistant treasurer.

'Singapore,' \$9,500 Best in Indianapolis

INDIANAPOLIS, April 11.—"Road to Singapore," with \$9,500 at the Indiana, and "Rebecca" with \$10,500 at Loew's were out in front in a week of good business. Both were held.

Estimated takings for the week ending April 5:

"Pinocchio" (RKO)
"Ma, He's Making Eyes at Me" (Univ.)
APOLLO—(1,100) 25c-40c, 7 days, 2nd week. Gross: \$3,500. (Average, \$2,500)
"Seventeen" (Para.)
"The Farmer's Daughter" (Para.)
CIRCLE—(2,800) 25c-40c, 7 days. Gross: \$6,000. (Average, \$6,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
INDIANA—(3,200) 25c-40c, 7 days. Gross: \$9,500. (Average, \$5,000)
"Rebecca" (U. A.)
"Men Without Souls" (Col.)
LOEW'S—(2,800) 25c-40c, 7 days. Gross: \$10,500. (Average, \$7,000)
"Shooting High" (20th-Fox)
LYRIC—(2,300) 25c-40c, 7 days. Stage: Edgar Kennedy; Three Romeos; Whitey & Ed Ford; Great Ballantine; Irene Vermilion with Hester Bailey Girls. Gross: \$7,500. (Average, \$8,000)

'Wind' Contracts Total Near 3,000

Contracts on "Gone With the Wind" have mounted to nearly 3,000 with the acceptance by M-G-M of small town roadshow engagements of three and four days each. There have been about 1,600 engagements set for a minimum of a week each.

Salesmen in the field are now taking contracts for two-day bookings, but these will not start until the three and four-day engagements are completed. Eventually, in the smallest situations, bookings will be accepted for one day, which means three performances at a price scale of 75 cents and \$1 plus tax.

The majority of bookings now being set extend into May, with a number scheduled for June and July.

The company expects a total of between 5,000 and 6,000 bookings by the end of the year, all at advanced admission prices.

Long runs of the film are continuing in four cities. It is in its 17th week at the Astor on Broadway; in a 13th week at the Earle, Philadelphia; 12th week at the Oriental and Woods, Chicago. In Los Angeles the picture next Tuesday will complete a 16-week run at the United Artists, continuing for a 17th week and an indefinite run at the Carthay Circle.

The film will have its Hawaiian premiere at the Honolulu Theatre, Waikiki, May 11. This will be the first showing in American territory outside the United States.

'Rebecca' at \$5,300 Strong in Montreal

MONTREAL, April 11.—"Rebecca" continued at the Orpheum with \$5,300. "Road to Singapore," on a double bill at the Capitol, was playing against holdovers at three other theatres and accounted for \$6,000. Second week of "It's a Date" brought \$6,500 to the Palace.

Estimated takings for the week ending April 5:

"Road to Singapore" (Para.)
"Seventeen" (Para.)
CAPITOL—(2,547) 25c-40c-55c-65c 7 days. Gross: \$6,000. (Average, \$8,000)
"Northwest Passage" (M-G-M)
LOEW'S—(2,800) 30c-40c-60c 7 days, 2nd week. Gross: \$6,500. (Average, \$8,000)
"Rebecca" (U. A.)
ORPHEUM—(919) 25c-35c-50c 7 days, 2nd week. Gross: \$5,300. (Average, \$5,000)
"It's a Date" (Univ.)
PALACE—(2,600) 25c-40c-55c-65c 7 days, 2nd week. Gross: \$6,500. (Average, \$10,000)
"The Invisible Man Returns" (Univ.)
"Honeymoon Deferred" (Univ.)
PRINCESS—(25c-35c-50c-65c) 7 days. Gross: \$4,000. (Average, \$5,500)

Miss Allen to Grace Variety Club Dinner

DALLAS, April 11.—Gracie Allen, screen and radio star, will attend the national convention of the Variety Club here April 18-20 and will make a special campaign speech for the presidency at the formal convention banquet, according to Bob O'Connell, general chairman, and Paul Short, vice-chairman, on their return from Hollywood.

Miss Allen will be introduced at the banquet by William McGraw, former attorney general of Texas. She will be made an admiral in the Texas Navy. George Burns, her partner, will receive a commission as a Texas Ranger.

Radio Brevities

WITH both major networks intercepting short-wave foreign broadcasts at their listening posts and transmitting them at once over the air and to the newspapers and news services, the broadcasts from the foreign correspondents in the belligerent countries sound pretty tame these days.

As a matter of fact, in private telephonic conversations with the news directors here most of the correspondents admit that they are far behind the news. It is the practice of the various governments to place their communiques on the air as soon as they are announced, it is said. By the time the correspondents get them, frequently, they have been intercepted and broadcast here, and are well on their way to the newspaper presses. Because of the strict censorship, the correspondents have little information to add to the official communiques. The result is that such pickups have little to offer in the way of timeliness or information and are being kept to a minimum.

Program Notes

The three networks will greet Admiral Byrd in a special broadcast to Little America tomorrow at 11:15 P.M. . . . A three-year contract for spot announcements over WMCA for Rem and Rel was signed yesterday by the Maryland Pharmaceutical Co. The contract calls for 35 announcements per week between Oct. 1 and March 31, during 1941, 1942 and 1943. . . . Mutual will broadcast five major stake races from the Jamaica track and 10 from Belmont Park. Bryan Field will handle the announcing assignment.

Urges Care in Depicting Bar

The American Bar Association has addressed the networks about the method of depicting lawyers and judges over the air. The association seeks an amendment of the N.A.B. code, or the adoption of station policies which would ban an improper reference to the profession or the judiciary.

Personalities in the News

William Brandt, of the Brandt circuit, will be interviewed by David Lowe over WNEW today at 12:30 P.M. on "What Has Happened to Vaudéville." . . . Winston Ross, brother of Lanny Ross, will make his debut on American radio shortly. He has been heard in London previously and has now joined the cast of "Pretty Kitty Kelly" over CBS. . . . "Happy Jim" Parsons is now being heard over WHN six times weekly in addition to his network shows. . . .

Ray Milland, who is here in connection with the opening of his picture "French Without Tears" will be heard today at 8 P.M. over CBS on the Kate Smith hour, and again next Tuesday over NBC-Blue at 8:30 P.M., as guest expert on "Information, Please." . . . George Hogan has replaced Bruce Wendell at WNEW as assistant to Earl Harper for the broadcasts of the Newark Bears' baseball games. Wendell now has an early morning show on WHN. . . .



DON'T LET "THE BISCUIT EATER" CATCH YOU NAPPING!



CRITICS POINT THE WAY TO 1940's SURPRISE HIT! READ THESE RAVES!

"New Yorkids to 'The Biscuit Eater'—
man's best flicker about man's best
friend!"

—Walter Winchell,
famous newspaper and radio columnist

"One of the prize entertainments of
the year. Audiences will love it
wherever it is shown. Here is a pic-
ture on which Mr. Exhibitor can issue
a written guarantee to his customers
for enjoyment. Paramount has found
a new star in Billy Lee!"

—Hollywood Reporter

"It will carve a niche in Hollywood
history. It captivated the audience...
'The Biscuit Eater' rates high!"

—Los Angeles Examiner

"No picture within recollection deals
with the troubles and problems of
early youth—both in humor and
heart-break—more appealingly and
with greater understanding. Ranks
as one of the outstanding features to
come out of Paramount or any other
studio in a long time!"—*Daily Variety*

"Hard-boiled cinema critics broke
down and wept when 'The Biscuit
Eater' was previewed. No finer com-
pliment can be paid this unusual,
yet downright simple little story of
a kid and 'man's best friend!'"

—Jimmy Starr, Los Angeles
Evening Herald and Express

"If it pleases the rest of the nation's
movie-goers the way it pleased pre-
view patrons, the return on the in-
vestment is well insured!"

—Jim Crow, Hollywood Citizen News

"Everyone, whether an avid dog lover
or not, cannot help but feel a definite
tug at the old heart-strings when view-
ing the new film!"—*Los Angeles Times*

"Made up of a fresh approach in set-
ting and plot incident. The excite-
ment of the field trials and the
background scenes actually photo-
graphed in Georgia, established the
picture as one of the year's best!"

—Harry Mines, Los Angeles Daily News



Paramount's "THE BISCUIT EATER"

Billy Lee • Cordell Hickman • Helene Millard • Richard Lane • Lester Matthews • Snowflake
Directed by Stuart Heisler • Screen Play by Stuart Anthony and Lillie Hayward • Based on a Story by James Street



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First in
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Brief,
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VOI. 47. NO. 74

NEW YORK, U.S.A., MONDAY, APRIL 15, 1940

TEN CENTS

20th-Fox Will Revise Setup For New Year

**Budget \$27,000,000 on 52
Features, Shorts**

CHICAGO, April 14.—Twentieth Century-Fox has revamped its production setup for the 1940-41 program, adding to its roster of producers and reducing the number of films for which Darryl F. Zanuck, vice-president in charge of production, and Sol M. Wurtzel, executive producer, will be personally responsible.

This is evident in the outline of the new season's program disclosed over the weekend in conjunction with the annual sales convention, which ended here today. Herman Wobber, general manager of distribution, gave the convention details of the schedule of 52 features and 52 one-reel shorts, the same as for the past two seasons. The total budget will be about \$27,000,000.

Zanuck and Joseph M. Schenck, chairman of the board, who arrived today from the Coast, discussed the program in further detail.

Forty-eight features will be made on the Coast and four are scheduled

(Continued on page 5)

RKO Studies Plans On K-A-O Stock Buy

RKO is reported to have under consideration several plans of internal financing designed to provide between \$3,000,000 and \$4,000,000 for the purchase of the M. J. Meehan majority holdings of Keith-Albee-Orpheum preferred stock.

Of the \$6,500,000 K-A-O preferred issue, RKO's holdings represent about \$2,500,000.

The RKO reorganization plan imposes a \$3,000,000 loan limit on the reorganized company without the approval of RKO preferred stockholders. This is viewed as the reason why internal financing rather than outside borrowing is being considered.

RKO long has regarded consolidation of K-A-O as desirable and undoubtedly will proceed to that end as soon as an acceptable plan is developed. Spokesmen for Meehan say he is favorably disposed and would put no obstacles in the way of RKO.

Consolidation of the theatre company would make available to RKO about \$3,500,000 in cash held by K-A-O and subsidiaries, in addition to the full earnings of those companies, which have averaged almost \$1,000,000 annually for the past three years.

Set Financing Plan For British Studios

London, April 14.—British producers and a representative group of first run independent exhibitors have completed a cooperative agreement which will assure production financing.

Exhibitors favor a short-term trial period for the plan, rather than a long-term commitment and details of the arrangement probably will not be disclosed until an agreement on this point has been reached, it was indicated.

Funeral Tomorrow For Gabriel Hess, MPPDA Attorney

Private funeral services for Gabriel L. Hess, for 17 years general attorney of the M.P.P.D.A., will be held at 10:30 A. M. tomorrow at the home, 33 East 70th St., where he died early yesterday morning. He was 59 years old.

Hess was preparing to retire late Saturday night when he suffered a heart attack. He died before his physician could arrive.

Survivors include the widow, Mrs. Linda Watkins Hess, a former actress; two sons, Thomas B., a sophomore at Yale University law school, and Adam; and a daughter, Mrs. Elizabeth Hess Wolff.

A native New Yorker, Hess was admitted to the New York bar at the age of 22. He became attorney for Arch and Edgar Selwyn, theatrical producers, and through this association became general counsel for Goldwyn Pictures Corp. when it was formed in 1918, later continuing with Metro-Goldwyn. At one time he also was attorney for Famous Players-Lasky.

Hess was general attorney of the M.P.P.D.A. almost since its inception, having been appointed by Will H. Hays, president, a year after the organization was formed.

Studio Unions Plan New Wage Cut Talks

HOLLYWOOD, April 14.—Studio unions will map plans for their resumption of negotiations with producers over the rescinding of the 10 per cent wage increase of last Fall at a meeting here on Monday.

Action is believed to be contingent upon the outcome of William Bioff's legal efforts to avoid serving his 17-year-old jail sentence of six months.

Higher Admissions Urged by Skouras To Balance Losses

CHICAGO, April 14.—Higher admission prices were strongly urged by Spyros Skouras, president of National Theatres, in an address to the 20th Century-Fox sales convention at the Drake Hotel here. The convention ended today.

Skouras said that higher admissions must be charged to compensate producers and distributors for foreign revenue losses. The producers, in return, must give exhibitors improved product to warrant increased scales, he added.

Skouras recommended that exhibitors experiment with higher admissions on outstanding films. National Theatres increased prices for "The Rains Came," "The Grapes of Wrath" and "Drums," with success, he said.

Herman Wobber, general manager of distribution, presided at all sessions. The 250 delegates left tonight.

Prizes in the S. R. Kent Drive were announced by Morton A. Levy, district manager at Minneapolis, who was reappointed drive leader for 1940. Harry Ballance, whose Southern district led all others, received first prize for individual achievement.

Lester Sturm and his Detroit branch took first prize in the National division, with three weeks' extra salary awarded to employees of his branch. Sam Wheeler's Washington branch placed second, with two weeks' pay as a bonus. In the international group, Ernest Landaiche's New Orleans office won first place and C. L.

(Continued on page 5)

Flood of Giveaways On Radio Expected

A flood of giveaway programs is anticipated in radio circles here as a result of the clean bill of health granted to the Tums' "Pot o' Gold" weekly \$1,000 giveaway by the Department of Justice on Friday. Answering an inquiry from the Federal Communications Commission, the Department declared that the show did not violate the lottery laws.

The Department's investigation was started after exhibitors filed complaints with the F.C.C. asserting that film houses were losing \$1,000,000 in admissions weekly as a result of the show.

A high official of CBS who refused to be quoted directly declared that his network would not accept this type of show, regardless of the Justice Department decision. NBC and Mutual officials could not be reached for comment. However, it is regarded almost as a certainty that most of the nation's 700 independent stations,

(Continued on page 6)

U. S. To Fight Postponement Of Trial Date

**Federal Aides to Set Up
N. Y. Headquarters**

The Government will oppose the application of the major defendants in the New York anti-trust suit for an adjournment of the start of the trial from May 1 to June 1, it was learned over the weekend.

The majors' request for the trial postponement will be heard by Federal Judge John C. Knox some time this week. The application was privately made to Judge Henry W. Goddard on Friday but was referred by him to Judge Knox, who is in charge of the court calendar.

Indications of the Government's intentions to prepare for a May 1 trial were seen in the announcement that Special Assistant Attorney General Paul Williams is setting up a permanent headquarters in New York this week. Active preparation for trial will be speeded with the assistance of 10 Department of Justice aides who will arrive from Washington early this week, it was said.

Williams will file today the Government's additional bill of particulars

(Continued on page 6)

Britain Balks at 'Wind' Sales Terms

LONDON, April 14.—The C. E. A. is expected to take a stand some time this week on sales terms for "Gone With the Wind."

Intense exhibitor objection to the 70 per cent terms being asked for the picture has been registered already and include many declarations of refusals to book the film. Any C.E.A. action upholding this stand would find considerable support among exhibitors, it is apparent.

Scenic Artists Defy N.L.R.B. Vote Order

HOLLYWOOD, April 14.—Scenic Arts Association today defied the N.L.R.B. on the question of a new consent election to determine whether it or M. P. Painters Local 644 should represent studio scenic artists.

Don Marlin, attorney for the Association, said it would stand by last year's election which it had won but which was later voided by the N.L.R.B.

Walter Spreckels, regional N.L.R.B. director, said the matter would be referred to Washington.

◀ Purely Personal ▶

DAVID O. SELZNICK plans to return to the Coast at the end of the week for a 10-day stay, after which he will return to New York and sail on a South American cruise.

LEON NETTER, Paramount theatre executive, left over the weekend on a short business trip to Florida where he expects to visit S. A. Lynch and E. J. SPARKS, circuit executives.

ANNA BELL WARD of the Elliott-Ward Enterprises, Lexington, Ky., is in New York for a brief visit, completing arrangements on her forthcoming book about Guatemala.

MATIE HAMMERSTEIN, secretary to **LEOPOLD FRIEDMAN**, Loew's general attorney, left over the weekend for a two-week vacation in Hollywood Beach, Fla.

W. RAY JOHNSTON, Monogram president, left over the weekend for the studio, planning to go to Dallas later in the week.

GRACE WEISSMAN of the 20th Century-Fox exchange in New Haven has announced her engagement to **DR. C. SPIEGEL**.

NEIL AGNEW, Paramount vice-president and distribution head, is expected back from a vacation in Mexico tomorrow.

HARRY GOLDBERG, advertising director of Warner Theatres, will ad-

Indianapolis Apollo Shut; Goes to Olson

INDIANAPOLIS, April 14. — The Apollo closed its doors tonight and the theatre lease, held by Greater Indianapolis Amusement Co., expires May 28, when the house reverts to Charles M. Olson and Associates. William A. Brennan, associated with Olson and Gene Marks in the ownership of the Apollo, said, "We have definite plans in mind which will be made known later."

The Apollo was leased by the Fourth Avenue Amusement Co., of Louisville, in 1928 from Olson and later was sublet to Greater Indianapolis, which also operates the Indiana and Circle. Indications are that the 3,200-seat Indiana, which has closed for the Summer for the last six years, may remain open this year.

dress the Women's Club at Coatesville, Pa., today on a film program.

OSCAR A. DOOB left Friday for Cleveland to visit Loew's houses in that city, Toledo, Akron and Canton.

WALTER GOULD, Latin American manager for United Artists, is in Mt. Sinai Hospital for a checkup.

GEORGE W. WEEKS will visit Cleveland and Detroit this week en route to Dallas and the Coast.

CHARLES COOPER, independent theatre owner of Chicago, has returned from a vacation in Florida.

CARL KRUEGER, Paramount exploitation man, is in Detroit on an assignment.

JOHN BALABAN returned to Chicago over the weekend.

Honor O'Connor At Party Tonight

RKO home office executives and theatre managers tonight will honor **John J. O'Connor**, vice-president in charge of theatre operations, at a dinner at the Warwick Hotel. With **Malcolm Kingsberg** as toastmaster, the occasion will serve as an aftermath to the John J. O'Connor Month, just concluded. Those expected to be present include:

J. B. Anderson, Al Arnstein, Jerry Baker, George Baldwin, Warren Bartlett, Joe Becker, John Berger, Arthur Brown, James M. Brennan, David Canavan, John A. Cassidy, James Conklin, Ray Conner, William Cook, Harold Daly, Ned E. Depinet, James Dolan, Joseph Di Lorenzo, George Dunn, Mike Edelstein, H. R. Emde, W. B. England, Max Fellerman, Lou Friedman, C. S. Fretz, Arthur Gilgar, Irving Gold, Joseph Goldberg, Leon Goldberg, Louis Goldberg, Larry Greib, Pat Grosso, Emil Groth, Walter Grove, Maurice Harris, John Hearn, Herbert Heintz, John Heinz, Harold Heller, Fred Herkowitz, Raymond Hodgdon, Henri Horton, Frank Howard, William Howard, Henry Josephick, William Kane, Leon Kelmer, Lee Koken, Rudy Kramer, Morty Kresner, David Levin, Max Levine, Dave Lustig, Harry Lyons, James McCann, C. B. McDonald, O. R. McMahon, Harry Mandel, William J. Merrill, Fred Meyers, Max Mink, Harry Mosley, H. E. Newcomb, Millard Ochs, Charles Oelreich, James O'Donnell, Richard Patterson, Jr., Matty Polon, M. G. Poller, John Redmond, Phil Reisman, A. E. Reoch, Ken Rockwell, Marty Rosen, Sam Rydell, George Schaefer, S. A. Schwartz, H. Scholl, Hal Seroy, Baker Shelton, Max Sloven, A. W. Smith, Jr., Cresson E. Smith, Ed Sniderman, Eugene Spencer, Sam Taub, Maj. L. E. Thompson, Robert Ungerfeld, J. Henry Walters, Emanuel Waxberg, Ansel Weinstein, Harry Weiss, Sigurd Wexo, Dave Whyte, Thomas Wright and J. S. Yeransian.

San Antonio Golf Tourney Is Held

SAN ANTONIO, April 14.—The Theatrical Men's Golf Tournament was held here at Brackenridge Park, with 95 players.

Mack Rogers, local band leader, won first place with 60. Trailing him by only four strokes was Jake Elder, superintendent of maintenance of Interstate Theatres. Mack Bailey, assistant manager of the Empire here, tied with James Chasey for a 65. Awards were made by R. J. O'Donnell, vice-president and general manager of Interstate.

Tips on Exploitation

U. A. in Dress Tieup On "One Million"

A merchandise promotion has been arranged to tie in with Hal Roach's new United Artists production, "One Million B.C." and will be carried by large department stores throughout the country. "Cave Girl Prints," inspired by "One Million, B.C." have been designed by the Ameritex Corp.

Wilmington Youngsters Wear "Pinocchio" Masks

Manager Louis S. Black of the Warner, Wilmington, tuned up his "Pinocchio" campaign via a tie-in with the Gillette Razor Co. for the distribution of their special masks. A week in advance of the opening several thousand were handed out and an army of youngsters served the theatre as a "Pinocchio" ballyhoo.

Hays Study Finds No Attendance Change

Theatre attendance for 1939 was at the same level as in 1938, according to M.P.P.D.A. estimates published Saturday in its annual informational booklet, "Film Facts."

The booklet estimates United States attendance at 85,000,000 weekly and attendance throughout the rest of the world at 150,000,000 weekly. Gross U. S. box office receipts for last year are estimated at one billion dollars. Average admission here was 23 cents. No estimate of theatres operating is given for 1939, the last figures used being those for 1938.

Features released numbered 584, of which 65 were foreign-made. The industry paid \$100,000,000 in taxes to the U. S. last year, it is estimated.

'Howard' Group West

WILLIAMSBURG, April 14.—Frank Lloyd and members of his location company who put in eight days of work here on scenes for Columbia's "The Howards of Virginia" finished their assignment on Friday and left for the Coast by train.

Schwalb to M. P. C. Co.

Ben Schwalb, former producer and director of short subjects for Columbia, has joined Motion Picture Camera Supply as vice-president and general manager.

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Now that "His Girl Friday" and
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Sparkling situation!...A girl who
writes books on How To Enjoy Being
Lonesome has to play house with
a heart trouble expert, because
everyone thinks they're married...
and they must keep up appearances!

20th-Fox Will Revise Setup For New Year

(Continued from page 1)

to come from England, as in the past. The company is considering the distribution of outside product, in which event the program as planned will be revised accordingly.

Zanuck and Wurtzel heretofore have shared responsibility for 48 pictures, with Zanuck personally producing 24 and Wurtzel the remainder, including lesser budget films and series pictures. Wurtzel now will make some more films in the higher cost brackets.

Next season Zanuck will make 18 pictures, and of the remaining eight big-budget films Wurtzel and Lucien Hubbard will make four each. Wurtzel probably will make a total of 13 films. Hubbard formerly was with M-G-M and Paramount and recently joined 20th Century-Fox as an associate producer. Four or five features are planned in color.

New Associate Producers

Other new associate producers on Zanuck's staff are Ralph Dietrich, Walter Morosco and Fred Kohlmar. There are now 10 associate producers, compared with eight a year ago. The studio now has 43 writers, the largest contract list in its history.

The Charlie Chan and Jones Family series, two of 20th Century-Fox's oldest, will be dropped in the new season. One Charlie Chan feature will be made, and also possibly one Jones Family picture, which will end these series.

The Jane Withers and "Cisco Kid" films, the latter with Cesar Romero, will be continued in a series of four each.

Among films which will be released early in the season are:

"Brigham Young," which Wobber said will be one of the biggest pictures in the company's history. Louis Bromfield wrote the story of the Mormon leader. The cast will include Tyrone Power, Dean Jagger, Linda Darnell, Jane Darwell, Mary Astor, John Carradine, Vincent Price, Brian Donlevy and Fuzzy Knight.

'Great Commandment' Listed

"The Great Commandment," a spectacle of the time of Christ which parallels today's events in Europe. Tyrone Power will have the lead.

"Down to the Sea in Ships," a drama of whaling days.

"The Great Profile," with Adolphe Menjou in the role of an actor reminiscent of John Barrymore.

"I Married a Nazi," the story of an American girl who married a German.

"The Return of Frank James," in color, with Henry Fonda.

"Elsa Maxwell's Public Deb No. 1," a story of a spoiled rich girl, with Brenda Joyce, George Murphy, Mischa Auer and others; directed by Gregory Raff.

"Down Argentine Way," in color; musical with South American background. Carmen Miranda will be in the cast.

"Young People," Shirley Temple film directed by Allan Dwan. This is

in production. She also is scheduled to make "Schoolmates."

"Fifth Avenue," from "Manhattan Holiday," novel by Polan Banks.

The remainder of the program will be made from stories on hand. Among them are:

"Comrade Stalin," story of Red Russia; "How Green Was My Valley," from Richard Llewellyn's novel; "The Great American Broadcast," the history of radio; "Highway 66," scheduled as a story by John Steinbeck; "For Beauty's Sake," by Clarence Buddington Kelland; "Western Union," a Zane Grey novel; "Belle Starr," story of a woman bandit; "Steinmetz, the Wizard," story of the famous scientist; Irving Berlin's "Say It With Music"; Louis Bromfield's "Marching As to War," Salvation Army story.

Also, "Brooklyn Bridge," "The Californian," "One Man Army," "Song of the Islands," "The Khyber Pass," "Brothers," "Red Cross Nurse," "Down on the Wabash," "Yesterday's Heroes," "Shadows in the Snow," "Hudson's Bay Company," "Too Much for One Man," "Sun Valley," "Uncensored," "Miss Pilgrim's Progress," "Dance Hall," "Breach of Discipline," "Falling Star," "Strange Bedfellows" and "The Bride Wore Crutches."

In addition to associate producers named, those who will assist Zanuck in producing the program are Harry Joe Brown, Raymond Griffith, Nunnally Johnson, Gene Markey, Kenneth Macgowan and John Stone.

Players, Directors Named

Contract players include:

Alice Faye, Tyrone Power, Don Ameche, Sonja Henie, Shirley Temple, Richard Greene, Henry Fonda, Jane Withers, Cesar Romero, Joan Davis, Brenda Joyce, Linda Darnell, Nancy Kelly, John Carradine, Lynn Bari, Jane Darwell, Charlotte Greenwood, Mary Beth Hughes, Ricardo Cortez, Chris-Pin Martin, George Sanders, Robert Shaw, George Montgomery, Marjorie Weaver, Arleen Whelan, Sidney Toler, Jean Rogers, Binnie Barnes, Katharine Aldridge, Ted North, John Payne, Ann Baxter, Dorris Bowdon, Mary Healy, Robert Lowery, Eddie Collins, Bob Conway, Joan Valerie, Frank Swann, and Elyse Knox.

Directors under contract are Otto Brower, David Burton, Irving Cummings, Allan Dwan, John Ford, Eugene Ford, Henry Hathaway, Henry King, Walter Lang, Fritz Lang, Archie Mayo, Irving Pichel and Gregory Ratoff.

More Color in Shorts Program of 52 Films

Twentieth Century-Fox will increase the number of its color shorts, Wobber told the convention. The program of 52 one-reelers will be the same as in the past, in the matter of number and type of subjects. They will be released on a basis of two a week.

In addition, there will be the usual semi-weekly releases of Movietone News.

Of the 26 Terry-Toon cartoons, 13 are planned in color, an increase of four or five over the number of color cartoons this season.

The program was described in detail by Truman H. Talley, producer of Movietone News and short subjects, and his staff comprising Lew Lehr, Lowell Thomas, Ed Thorgeresen, Edmund Reek and Vyvyan Donner.

Talley said the program has been planned for contraction or expansion, as it becomes necessary, and that the increase in color films was prompted by the additional revenue they have brought in.

The program includes: a series of four "Lowell Thomas' Magic Carpet of Movietone"; six "Ed Thorgeresen's Sport Reviews," with three in color; four Vyvyan Donner's "Fashion Forecasts" in color; four "Adventures of a Newsreel Cameraman"; four Lew Lehr comedies; four "Father Hubbard's Alaskan Adventures," made in cooperation with the "Glacier Priest"; and 26 cartoons.

Higher Admissions Urged by Skouras

(Continued from page 1)

Walker's Seattle branch placed second. A total of 24 prizes were won by branches, in feature, shorts, news and ad sales competitions.

Among the speakers was Paul Terry, producer of Terry-Toon cartoons, who said that this year, which is his 25th anniversary, he has 114 employees, compared with one when he started.

Felix Jenkins, general counsel, discussed contracts. He said the forms for the new season are unprepared as yet. William J. Clark, in charge of short subject sales, told the convention the compulsory pooling of newsreel coverage in the war zones has been abolished and Movietone News is now in a better position to cover war events. William J. Kupper, Western division manager, and other executives discussed sales methods.

Sees Foreign Markets At Levels of 1934-'35

With weekly foreign business of the company at present near the \$450,000 mark, returns from abroad are comparable with 1934-'35 as far as American dollars are concerned, Walter J. Hutchinson, director of foreign distribution, said in reviewing export operations for the sales force.

"Based on foreign currency," he said, "business today is greater than ever before abroad, but as far as returns to the company in American dollars are concerned, it is much lower than the past four-year average."

Detailing foreign market ratings, Hutchinson said actual business in England today is greater than ever before, but the company's receipts are

lower. The same was said to be true of British Empire markets. Central America is rated next to Britain in revenue, with Mexico very good, and South America following.

Hutchinson said that in China business in native dollars is 100 per cent ahead of last year and that business in Japan is "fantastic." Finland and Warsaw are doing excellent business despite war conditions, he said. He estimated that only 20,000 feet of film have been lost, although 250 merchant ships have been sunk during the war thus far.

Hutchinson will hold sales meetings in Havana next week for the company's Central and South American officials.

Associates to Hear Cohen and Rinzler

Max A. Cohen, head of the Cinema Circuit, and Samuel Rinzler, executive of Randforce circuit, will address the Motion Picture Associates at a luncheon meeting Wednesday at the Hotel Astor.

There will be a discussion of the Associates' move to obtain the support of the major companies for its unemployment and relief fund. Jack Ellis, president, will appoint a committee to solicit the companies.

Censor Bans "Cargo" In Subsequent Runs

PROVIDENCE, April 14.—"Strange Cargo" was banned for second run showings here by Police Censor George W. Cowan after having played first run.

Cowan said his action was taken as a result of the picture's being placed on the Legion of Decency's condemned list. He was editorially praised by *The Providence Visitor*, Catholic diocesan weekly, for his action.

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Republic
PICTURE

Roosevelt Calls For No Monopoly In Television Field

WASHINGTON, April 14.—Declaring that there must be no monopoly in television, President Roosevelt on Friday declared that he did not feel it desirable to permit one company, further advanced in its research than its competitors, to flood the market with receivers which could accept only its own transmissions and thus make it difficult for stations using other standards to gain a foothold.

The President stated that he had discussed the matter with an official of an important radio company but refused to name him.

R.C.A. is prepared to build its sets to receive all television programs on whatever standards transmitted, Manton Davis, vice-president and general counsel, told the F.C.C. Friday as the hearings closed. After pointing out that he thought the adoption of such sets would be of no advantage from an engineering, economic or public service standpoint, Manton said the offer was being made with the hope that it "will help the Commission to overcome the present deadlock which is retarding the progress of a new and promising industry."

U. S. Opposes Trial Date Postponement

(Continued from page 1)

ordered previously by Judge Goddard. Attorneys for the majors believe that this supplemental bill may prove a factor which will delay trial.

Another recent preparation of the Government for an early trial has been the service of subpoenas upon the major defendants themselves which require them to appear on May 1 with their books and records, it was learned on Friday.

Federal Judge Samuel Mandelbaum on Friday granted a Government request to substitute Charles D. Prutzman, Universal director, for Charles R. Rogers as a defendant and to drop Adolph Ramish from the suit.

'Came True' \$6,800 Is Milwaukee High

MILWAUKEE, April 14.—"It All Came True" and "House Across the Bay" gave the Warner \$6,800, the week's best gross. Second money went to "The Blue Bird" and "Charlie Chan in Panama," which collected \$5,400 at Fox's Palace.

Estimated takings for the week ending April 11:

"The Blue Bird" (20th-Fox)
"Charlie Chan in Panama" (20th-Fox)
PALACE—(2,400), 25c-35c-50c, 7 days.
Gross: \$5,400. (Average, \$4,000)
"Thou Shalt Not Kill" (Rep.)
RIVERSIDE—(2,700), 25c-30c-35c, 7 days.
Stage: Vaudeville. Gross: \$6,000. (Average, \$6,500)
"It's a Date" (Univ.)
"City of Chance" (20th-Fox)
STRAND—(1,400), 25c-35c-50c, 7 days.
Gross: \$1,700. (Average, \$1,500)
"It All Came True" (W. B.)
"House Across the Bay" (U. A.)
WARNER—(2,400), 25c-35c-50c, 7 days.
Gross: \$6,800. (Average, \$4,500)
"Strange Cargo" (M-G-M)
"And One Was Beautiful" (M-G-M)
WISCONSIN—(3,200), 25c-35c-50c, 7 days.
"Cargo" 2nd week. Gross: \$5,500. (Average, \$5,500)

Drops Band Rather Than Pay Standbys

Topeka, Kan., April 14.—Annoyed at having to pay a local band to stand by while an out-of-town name band appeared for stage shows, Lawrence Breuninger, Fox Midwest manager here, this week canceled a two-day engagement of Anson Week's orchestra. The musicians' union doesn't enforce the rule in cases where out-of-town bands appear at local clubs and dance halls, Breuninger said. He declined to pay the stand-in local band on the Week's performance.

Roosevelt-Bronston Merger Completed

HOLLYWOOD, April 14.—Merger of James Roosevelt's production organization with Samuel Bronston Prod., first reported in MOTION PICTURE DAILY three weeks ago, was concluded here over the weekend.

Roosevelt becomes chairman of the board of the Bronston company, which will produce features for United Artists release. His Globe Prod. will confine itself to making 16mm. films for Mills Novelty Co. Bronston remains president of the merged company; Edward H. Schwab is chairman of the executive committee; Frank Perry, vice-president; William O'Connor, secretary and director, and John J. Bergen, director.

Henry Henigson will be assistant to Roosevelt and an associate producer for both Globe and Bronston. Hal Hall was named advertising and publicity director.

The Bronston organization assumes Globe's production schedule and, with Roosevelt in charge of production, all pictures will be released as James Roosevelt productions. "The Bat," which Alfred Hitchcock may direct, is scheduled to start June 15. "Pot o' Gold," based on the radio program, will follow and a third to be produced by John M. Stahl will be set later.

Merger was designed to provide a release for Bronston and greater capital assets for Globe.

Cantor Film Opens Here Wednesday

A welcome home celebration on the Lower East Side for Eddie Cantor, in conjunction with the world premiere of his M-G-M film, "Forty Little Mothers" at Loew's Canal, will be held on Wednesday.

The day's events will include a luncheon at the Broadway Mansion given by the East Side Chamber of Commerce, at which Ida Cantor, the star's wife, will speak, and the placing of a metal tablet adjoining the site of the house in which Cantor was born.

Union Party May 16

PHILADELPHIA, April 14.—The Film Exchange Employees Union, Local B-7, has completed arrangements for the third annual dinner-dance held May 16 at the Broadwood Hotel. Louis Johnson, president-business agent of the New York local, was guest speaker at the local's regular meeting on Friday.

Flood of Giveaways On Radio Expected

(Continued from page 1)

which have been holding off pending the decision, will seize upon the opportunity. Giveaway shows are inexpensive to produce, comparatively, and should be particularly attractive during the Summer months, it was said.

The sponsor of "Pot o' Gold" has announced that the format of the show heard over NBC-Red, will be changed on Tuesday, April 30. Although agency circles have reported for weeks that the giveaway idea will be dropped on that date, the agency handling the account insists that the \$1,000 award will be continued with a change in the method of granting the prize.

Coast Exhibitors Arrange Program

LOS ANGELES, April 14.—Details of the program for the first annual convention of the Pacific Coast Conference of Independent Theatre Owners at the Ambassador Hotel May 8-10 have been disclosed. Trustees will start private sessions May 7, and conclude them May 11, after the general convention ends.

Subjects of the addresses and forum talks include: "Organization Production," "Double Bills," "Legislation," "Advertising Accessories," "Distribution," "M. P. T. O. A. Viewpoint," "The Government in Our Business," "Your Relations with the Public" and "Clearance and Zoning." A banquet will be held at Warners May 7, studio tours and a women's fashion show May 9. The convention will conclude with a dinner-dance at the Ambassador May 10.

Radio Brevities

SETTING at rest many of the rumors about the format of the radio section of PM, the forthcoming New York tabloid, John T. McManus, radio editor, declared over the weekend that PM would devote four full pages to radio. Program listings, cross indexes, news of programs, personalities, politics and technical developments will be covered.

"Listener's digest" of the radio programs will also be included—for example, a summary of the discussion on "Town Meeting of the Air." PM will evaluate advertising methods and will mention the sponsors in the listings. "It would be absurd," says McManus, "to call Uncle Don the best bubble-gum salesman in the world and then refrain from disclosing what brand he sells."

High Fidelity Demand Small

In an interesting test to determine whether listeners want high fidelity reception (and incidentally, F-M) Samuel E. Gill, market research analyst, has determined that only 20.3 per cent of homes visited had their receivers tuned to the treble side, with 47 per cent at bass and 32.5 in between. Treble is, of course, the control which is used for highest fidelity reception.

In answer to questions, Gill learned that 24.2 per cent always keep their tone controls at bass, 15.3 at treble 15.7 about half-way, and 44.8 per cent vary the tone control for different programs.

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OL. 47. NO. 75

NEW YORK, U. S. A., TUESDAY, APRIL 16, 1940

TEN CENTS

Zanuck Sets 20 Films At Million Each

Foreign Losses Are No Deterrent

CHICAGO, April 15.—Twentieth Century-Fox will make 18 or 20 pictures at a cost of \$1,000,000 each during the new season, Darryl F. Zanuck told the company's convention at its final session here yesterday. This is four more than the number budgeted at this figure for the present season.

"Despite foreign losses, we are not tinting on our program," he said. The bulk of revenue in the industry will have to come from the domestic market. This will be a year of many changes, and we must keep abreast of the times. Our company is not curailing its program in any respect. The keynote of our program will be howmanship."

Zanuck said the program will be flexible, to permit the inclusion of stories relating to topical events as they occur.

"Brigham Young," on which production started yesterday on location, (Continued on page 5)

Atlas-RKO Fee 100,000 Shares

Atlas Corp. yesterday asked Federal Judge William Bondy to award it 100,000 shares of common stock of the new RKO as a final allowance in RKO proceedings, in a supplemental petition filed in the U. S. District Court. At current quotations of \$3 per share for the new RKO stock, the request is equivalent to an application for \$300,000 for the Atlas services.

The petition acted as an amendment of the original application filed previously by Atlas which had left the amount of its compensation to Judge Bondy's discretion. In addition, Atlas seeks \$875,037 as reimbursement for expenditures during reorganization proceedings.

Tri-States to Raise Prices for 'Rebecca'

DES MOINES, April 15.—Tri-States Theatre Corp. will raise its admission prices in this territory for "Rebecca." Prices will be boosted everywhere throughout the circuit in connection with the booking of this picture.

Theatres scaled at 35 cents top will go to 41 cents; those charging 41 cents will be raised to 51.

Jack Benny Plans To Quit Pictures

Chicago, April 15. — Jack Benny, en route to New York here, declared that he did not plan to renew his film contract with Paramount or any other studio following completion of the picture with Fred Allen scheduled for this Summer. Benny stated that he may seek a reduction of his radio schedule from 40 to 30 broadcasts next year.

Benny's latest film is "Buck Benny Rides Again," which will have its premiere at the Paramount in New York on April 24.

No Legal Barrier Seen to Individual Settlement Decrees

WASHINGTON, April 15. — With probabilities of a general settlement of the Government's New York anti-trust suit dimmed by the inability of the companies to agree on vital points, consideration was turned today in Washington to the possibilities that proposals may be submitted to the Department of Justice for individual settlements.

Department officials, insisting that since nothing was formally before them they could not discuss what position would be taken in the event some companies move to accept a consent decree individually, pointed out that in the automobile finance case such a procedure was followed.

In that case, several of the companies agreed on a single consent decree; Chrysler, for example, made a separate settlement, while General Motors fought the suit in the courts.

Accordingly, it is represented, there is no insurmountable barrier to any (Continued on page 5)

U. S. BANKS LEND KORDA \$3,600,000

'Apollo' Sets Fast Pace on Broadway; \$30,500 in 3 Days

"Johnny Apollo" was a leader of the Broadway parade, opening strong at the Roxy on Friday, and took an estimated \$30,500 for the first three days. First runs held to high levels over the weekend. "Johnny Apollo" will be held for an extended run.

"Rebecca," with a stage show at the Music Hall drew an estimated \$68,000 for the first four days of its third week and will be held for a four-week run. This holdover will give the film the distinction of being the only picture to run more than three weeks at the house with the exception of "Snow White and the Seven Dwarfs," which ran five.

"Dr. Cyclops," supported by a strong stage show headed by Lupe Velez, Mitchell Ayres' band and Red Skelton, grossed an estimated \$17,500 over Saturday and Sunday and should finish its first week tonight with a strong \$41,000.

In its second week at the Strand, "It All Came True," with Eddy Duchin's band on the stage, grossed an estimated \$17,000 for Friday, Saturday and Sunday. "Till we Meet Again" goes into the Strand on Friday with Wayne King's band on the stage. "Gone With the Wind" in its 17th week at the Astor drew an estimated \$19,000. "Isle of Destiny" took an estimated \$7,000 in a week at the Rialto, with the "House of Seven Gables" opening there on Saturday. "King of the Lumberjacks" also opened Saturday at the Globe.

Silverstone Will Inform Board of Company Status Tomorrow

By SAM SHAIN

That steps have been taken to finance Alexander Korda's Hollywood production activities and assure the continuance of Korda in production and that the United Artists company is headed for the biggest year in its history, will be the principal topics of Maurice Silverstone's discussion tomorrow with the directors of the company at a meeting to be held here.

The negotiations which are now in progress on behalf of Korda with the Security National Bank of Los Angeles and the Bankers' Trust Company here, contemplate setting up a line of credit amounting to \$3,200,000 by them, sufficient to assure the production of four Korda pictures. Additionally, \$400,000 would be lent Korda and United Artists in connection with the production of two films in London.

Silverstone, further, is expected to inform the board that the appointment of a general sales manager is under serious consideration. Authoritative circles in the trade have been linking the name of Harry Gold with this prospective position. However, it has been officially ascertained that until yesterday no decision has been def-

(Continued on page 5)

MPTOA Sees No New Selling Concessions

No hope for action by distributors on voluntary trade practice concessions through the medium of new season's license agreements is held by M.P.T.O.A. in its current bulletin to members, issued yesterday.

In its bulletin for March, the M.P.T.O.A. proposed six basic trade practice concessions for inclusion by distributors in new season contracts. The current bulletin makes the following comment: "The present stalemate on progress in working out the trade practice problems and other difficulties in our business may continue for some time."

The bulletin advises exhibitor units to strengthen their organizations to combat new theatre taxation measures, which the parent organization believes to be in the offing.

A denial by Ned E. Depinet, RKO vice-president and distribution head, that RKO-produced features are available in 16mm. form for non-theatrical use is included in the bulletin.

Copenhagen and Oslo Offices Are Doing Business Despite the War

Major distributors were advised by cable from their Copenhagen representatives that their offices in that city are open and doing business.

One major company heard through its Copenhagen office that film distribution offices in Oslo, Norway, also were "all right."

Only the most meager information was received from the representatives in Denmark and no information whatever was received direct from Norway.

The usual weekly cash remittances were received from Stockholm over the weekend by home offices. Business in Sweden, according to Stockholm reports, is continuing at normal level but the situation in all of the Scandinavian countries is regarded by home offices as being on a "day-to-day" basis.

Holstein to Offer Eulogy for Hess

A eulogy of Gabriel L. Hess will be given by Mark G. Holstein, New York attorney and life-long friend of the former M.P.P.D.A. general attorney, at the private funeral services for Hess at the residence, 33 East 70th St., at 10:30 A. M. today.

Only members of the deceased's family and close associates will attend the services. The body will be cremated following the brief ceremony.

The M.P.P.D.A. office here will be closed from 10:00 A. M. until noon today, during the services.

Will H. Hays made the following statement yesterday: "Gabriel Hess was a gentleman. He had courage and understanding; he had faith and he had charity. Brilliant in intellect, rock-bound in integrity, splendid in his loyalties, he was one who dwelt in the inner places of the hearts of those who knew him.

"For 16 years general attorney of this Association, Gabriel Hess always was far more than a member of our official family here. He was my counsellor and my deeply loved friend."

Hess died early Sunday following a heart attack at his home.

Loach Is Elected V. P. of Monogram

Thomas P. Loach has been elected a vice-president of Monogram Pictures, the company announced yesterday.

Loach is treasurer and a member of the board of Monogram and will continue in those capacities after assuming his new post on May 1. On that date he will resign as vice-president and treasurer of Pathe Laboratories.

Purely Personal

WILLIAM F. RODGERS, M-G-M general sales manager, returns today from Chicago, where he spent the weekend. **EDWARD M. SAUNDERS**, Western division manager, is due from Chicago later this week.

MR. and MRS. EDWARD FARRELL returned yesterday from a two-week honeymoon in Washington. **MRS. FARRELL**, the former **ANNE MURPHY**, is secretary to **W. C. MICHEL**, executive vice-president of 20th Century-Fox. **FARRELL** is with International Projector Corp.

NATE BLUMBERG, **WILLIAM A. SCULLY**, **SAM CITRON**, **WILLIAM GERMAN**, **BERT MAYER**, **ROBERT SAVINI**, **JOSEPH MOSKOWITZ** and **WILLIAM FITELSON** lunched at Bob Goldstein's Tavern yesterday.

HARRY RAFF, **ED SCHILLER**, **STANTON GRIFFIS**, **LEONARD GOLDENSON**, **DENNIS KING**, **RUTH GORDON**, **IRVING CAESAR**, **KURT WEILL** and **BARRY JONES** lunching at Sardi's yesterday.

RALPH COHN, **MAX SCHLESINGER**, **ERNO RAPEE**, **RUSSELL HOLMAN**, **GEORGE WELTNER** and **OWEN DAVIS** at Nick's Hunting Room in the Astor for lunch yesterday.

JAMES A. CRON, advertising manager of **MOTION PICTURE DAILY**, is getting along well at New Rochelle Hospital after an operation for a fractured kneecap.

J. C. CLEMMONS and **JULIUS GORDON** are here from Beaumont, Texas, for Paramount home office conferences.

JOSEPH IMHOF, M-G-M office manager in Milwaukee, has returned to his post from a vacation in the East.

NEIL AGNEW, Paramount vice-president and distribution head, returned yesterday from a vacation in Mexico.

IRVING COHEN of the Paramount home office legal staff, returns today from a business trip to Philadelphia.

SPYROS SKOURAS, **WILLIAM C. MICHEL**, **CHARLES C. PETTIJOHN** at the Plaza Grill for lunch yesterday.

SAMUEL SPRING, attorney, has moved his office to the Empire Trust Building, 580 Fifth Ave.

Fair Officials Turn Down N. Y. Mediation

World's Fair officials refused to submit the current dispute with Actors Equity to mediation yesterday. Equity representatives appeared before the New York State Mediation Board but departed when the Fair officials did not arrive. Subsequently, Equity delegates conferred with Mayor LaGuardia who promised to use his good offices to end the deadlock.

An emergency meeting of the Associated Actors and Artistes of America last night voted complete confidence in Equity's position, and promised full support. A spokesman for the Fair declared that the Fair could not mediate as mediation would involve compromise and the Fair could not afford more than \$40 minimums for the production, "American Jubilee."

NORMAN H. MORAY, Warner short subject sales manager, returned yesterday from a 14-week trip to all the company's branches and the Coast studio.

GENE AUTRY will guest-star for 10 days at the "World's Championship" rodeo in the Pittsburgh Gardens, beginning April 24, under Harris Amusement Co. auspices.

FAY THOMAS, vice-president of the Carter Hotel in Cleveland, home of many film people, has become assistant to the president of the Hotel New Yorker here.

BEN STEERMAN of Warner Tri-States Theatres, Pittsburgh, is the father of a girl, born to **MRS. STEERMAN** late last week.

RAY LARGO, head of RKO's still department, is the father of a boy, born to **MRS. LARGO** in Hollis, L. I., Saturday.

SAM SCHNEIDER, Warner home office executive, returned yesterday from a two-week business trip to the studio.

BARNEY OLDFIELD, film editor of the *Sunday Star and Journal* at Lincoln, is in Hollywood for two weeks.

IRVING C. JACOBS, JR., operator of the Branford in Branford, Conn., is on a motor tour through Arizona.

HARRY BUCKLEY, **ARTHUR KELLY**, **J. J. MILSTEIN** and **JACK GOETZ** lunching at Lindy's yesterday.

GEORGE SKOURAS has returned from Chicago where he attended the 20th Century-Fox convention.

ARTHUR TREACHER is due in town from the Coast today, for an appearance at Loew's State.

RUTGERS NEILSON, RKO publicity manager, has returned to his desk after a brief illness.

MRS. LEO SPITZ has returned from the South.

Britain May Back Propaganda Films

London, April 15.—It is unofficially reported here that the British Government may invest in entertainment features with propaganda appeal. An unconfirmed report has **Leslie Howard**, **Oscar Deutsch** and the Ministry of Information investing equally in the first film.

Jack Beddington has been named the new head of the Films Division of the Information Ministry, which has given rise to the production reports.

SMPE Convention To Open Monday

New developments in the technology of the screen, as well as television and frequency modulation broadcasting, will be discussed during the four day Spring convention of the Society of Motion Picture Engineers at Haddon Hall, Atlantic City, beginning Monday.

A total of 46 technical papers and lectures with demonstrations are scheduled for presentation during nine sessions. Approximately 250 delegates are expected to be present. **Thomas F. Joyce**, vice-president and advertising director of RCA Manufacturing Co., will talk on "The General Outlook for Television" at the get-together luncheon on the opening day. Mayor **Charles D. White** will greet the convention.

E. A. Williford, S.M.P.E. president, will preside at the semi-annual dinner and dance in the hotel's Rutland Room on Wednesday evening. **W. C. Kunzmann**, convention vice president, will be in active charge of the program. The papers committee is headed by **J. I. Crabtree** and **Sylvan Harris**. **L. A. Aicholtz** is chairman of the West Coast paper committee.

Danish Manager Safe

Harry Frandsen, 20th Century-Fox manager in Denmark, is safe in Copenhagen, the company's foreign department was advised yesterday by cable. This was the first word from that city since the German invasion.

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(Registered U. S. Patent Office)

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"That's nice
predicting!"

**20th
CENTURY
FOX**

'Melody' Hits \$38,500 at 2 Hub Theatres

BOSTON, April 15.—The two Loew houses, State and Orpheum, grossed \$16,500 and \$22,000, respectively, with Broadway Melody of 1940 and "Blondie on a Budget." "Grapes of Wrath" at the Metropolitan took \$18,000.

Estimated takings for the week ending April 10:

"The Lone Wolf" (Col.)
"Boots and Saddles" (Rep.)
"Lost on the Western Front" (Standard)
"Bad Boy" (Mono.)
KEITH BOSTON—(3,200) (25c-30c-40c).
Gross: \$8,500. (Average, \$8,000)
"Pinocchio" (RKO) (3rd week)
"Courageous Dr. Christian" (RKO) (1st week)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: \$14,500. (Average, \$16,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$8,500. (Average, \$7,500)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
FENWAY — (1,332) (25c-35c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,500)
"Grapes of Wrath" (20th-Fox)
"Farmer's Daughter" (Para.)
METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: \$18,000. (Average, \$15,500)
"I Take This Woman" (M-G-M)
"The Man From Dakota" (M-G-M)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Gross: \$5,000. (Average, \$5,500)
"Broadway Melody of 1940" (M-G-M)
"Blondie on a Budget" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$16,500. (Average, \$12,000)
"Broadway Melody of 1940" (M-G-M)
"Blondie on a Budget" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$22,000. (Average, \$17,500)

'Passage' Scores \$15,000, St. Louis

ST. LOUIS, April 15.—"Northwest Passage" grossed \$15,000 to lead the city. "Seventeen" and "Behind Prison Gates" drew \$3,700 at the St. Louis.

Estimated takings for the week ending April 11:

"Northwest Passage" (M-G-M)
"The Lone Wolf Strikes Again" (Col.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$15,000. (Average, \$13,000)
"It All Came True" (W. B.)
"Three Cheers for the Irish" (W. B.)
FOX—(5,038) (25c-40c-55c) 7 days. Gross: \$9,000. (Average, \$11,000)
"The Blue Bird" (20th-Fox)
"It's a Date" (Univ.)
AMBASSADOR—(3,018) (25c-40c-55c) 6 days. Gross: \$8,000. (Average, 7 days, \$11,500)
"Virginia City" (W. B.)
"British Intelligence" (Col.)
MISSOURI—(3,514) (25c-40c-55c) 7 days. \$5,000. (Average, \$4,000)
"Seventeen" (Para.)
"Behind Prison Gates" (Col.)
ST. LOUIS — (4,000) (25c-35c) 7 days. Gross: \$3,700. (Average, \$2,600)

George Bressler Dies

CINCINNATI, April 15.—George Bressler, 62, owner of the Liberty, at nearby Dayton, Ky., and former operator of the Queen Anne here and American, at Bellevue, Ky., died at his home after a long illness. His widow and three sons survive.

Heads Allied Committee

CHICAGO, April 15.—Duke Hickey of National Screen Service here, has been appointed chairman of the publicity committee for the national Allied States convention at the Morrison Hotel here June 19-21.

Feature Reviews

"Johnny Apollo"

(20th Century-Fox)

Darryl F. Zanuck's showmanship flair results in a humanly interesting, thrilling drama of a college boy turned racketeer to "spring" his father from jail and who ends up in the "big house" himself.

Tyrone Power gives his best to a virile role and with Dorothy Lamour as his sweetheart holds the spotlight. Other marquee names in a large cast are Edward Arnold, as the father; Lloyd Nolan, who plays Mickey Dwyer, Public Enemy No. 1; Charley Grapewin, who performs equally as well as he did in "The Grapes of Wrath," and Lionel Atwill and Fuzzy Knight.

The story concerns a man of wealth who is imprisoned for embezzlement. There is a strong bond of affection between him and his son, who is not convinced of his father's guilt. With Arnold in prison, Power finds himself shunned by his friends. In desperation he joins a "mob" and eventually joins Arnold in prison. By this time, because of Power's associations, the devotion between father and son has turned to hate. Miss Lamour, a sultry and appealing cabaret "moll," attempts to save Power from the gang, and later tips off Arnold to a prison break in which her sweetheart is to figure. The attempted escape is extremely thrilling and gives the film a smashing climax. At the fadeout, father and son are reconciled and Miss Lamour is later reunited with Power.

Henry Hathaway obtained the most out of the script by Philip Dunne and Rowland Brown from the original by Samuel G. Engel and Hal Long. Miss Lamour sings two songs, one by Mack Gordon. Harry Joe Brown was associate producer.

Running time, 93 minutes. "G."*

ALFRED FINESTONE

"One Million B. C."

(Roach-U. A.)

HOLLYWOOD, April 15.—An original screenplay by Mickell Novak, George Baker and Joseph Frickert, "One Million B. C." turns its camera attentions to the prehistoric era. Opening footage is devoted to a group of mountain climbers who seek shelter from a storm in a cave, discover there wall hieroglyphics relating the story told in the film.

Dialogue is restricted to gutters as a member of the Rock Tribe, portrayed by Victor Mature, is driven from his own people and finds himself among the Shell Tribe, more devoted to peaceful pursuits than his group had been. Bringing back the girl, enacted by Carole Landis, whose efforts have made him a member of the Shell people, he unites the two tribes peacefully.

In the tradition of "The Lost World" and "King Kong," the picture makes use of the animals believed to have been extant at the period, including a python, a depiction of a brontosaurus, musk oxen and the like. A fight between two of the animals is pointed up.

Lon Chaney, Jr., Mamo Clark, Mary Gale Fisher, Nigel de Brulier, Edgar Edwards and Inez Palange round out the cast, with Grover Jones doing the descriptive narration and Conrad Nagel as narrator. Hal Roach produced and he and Hal Roach, Jr., directed.

Running time, 80 minutes. "G."*

W. S.

"Hi-Yo Silver"

(Republic)

To the millions of children, action fans, radio listeners and sophisticates who have echoed the battle cry, "Hi-Yo Silver, Aw-a-a-y," as the Lone Ranger and his horse Silver galloped across the Texan plains, the news that Republic has released a feature picture recalling the highlights of his adventures will be welcome.

Associate Producer Sol C. Siegel has taken the most furious fighting sequences from the first 15-episode serial, "The Lone Ranger," and Directors William Witney and John English have whipped them into a fast, thrilling western that never lags in pace. From start to finish, it is a shooting, fighting tale of the conquest of bandits who have usurped public office in Texas.

The screen action is held together and brought up to date by the device of an old man recounting to a youngster the tale of the Lone Ranger's exploits. The original screenplay, on which Barry Shipmen, George Worthington Yates, Franklin Adreon, Ronald Davidson and Lois Eby collaborated, follows the plot of the serial. The mystery of the Lone Ranger's identity is preserved until the end. The cast, which will also be remembered from the serial, includes Lee Powell, Herman Brix, Chief Thunder-Cloud, Lynn Roberts, Stanley Andrews, George Cleveland and William Farnum.

Running time, 69 minutes. "G."*

EDWARD GREIF

*"G" denotes general classification.

'Came True' Tops Seattle With \$6,000

SEATTLE, April 15.—"It All Came True" at the Palomar with a stage show drew \$6,000. "Rebecca" accounted for \$5,900 in the third week at the Liberty. With fair and warm weather the circus and con formed the competition.

Estimated takings for the week ending April 12:

"Strange Cargo" (M-G-M)
"Free, Blonde and 21" (20th-Fox)
BLUE MOUSE—(950) (25c-40c-55c) 7 days. 3rd week. Gross: \$3,400. (Average, \$4,000)
"Star Dust" (20th-Fox)
"Women Without Names" (Para.)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$6,100. (Average, \$7,000)
"Rebecca" (U. A.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. 3rd week. Gross: \$5,900. (Average, \$5,000)
"Road to Singapore" (Para.)
"Oh Johnny How You Can Love" (Univ.)
MUSIC BOX—(950) (25c-40c-55c) 7 days. 3rd week. Gross: \$3,000. (Average, \$4,000)
"Adventure in Diamonds" (Para.)
"Viva Cisco Kid" (20th-Fox)
ORPHEUM — (2,450) (25c-40c) 7 days. Gross: \$5,000. (Average, \$6,000)
"It All Came True" (W. B.)
PALOMAR—(1,500) (25c-40c) 7 days. Van deville headed by Yvette. Gross: \$6,000. (Average, \$5,000)
"Pinocchio" (RKO)
"Little Orvie" (RKO)
PARAMOUNT—(3,050) (25c-40c) 7 days. 2nd week. Gross \$5,500. (Average, \$6,000)

'Primrose' \$13,000 Best in Cincinnati

CINCINNATI, April 15.—"The Road to Singapore" gave the RKO Capitol \$6,800 in its second downtown week. "Primrose Path" pulled \$13,000 at the RKO Palace, and "It's a Date" was good for \$14,500 at the RKO Albee.

Estimated takings for the week ending April 10-13:

"It's a Date" (Univ.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$14,500. (Average, \$12,000)
"Primrose Path" (RKO)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$13,000. (Average, \$10,000)
"Dr. Ehrlich" (W. B.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. 2nd week. Gross: \$2,500. (Average, \$10,000)
"The Road to Singapore" (Para.)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 2nd week. Gross: \$6,800. (Average, \$6,500)
"Pinocchio" (RKO)
RKO LYRIC—(1,400) (25c-40c) 7 days, 3rd week. Gross: \$3,100. (Average, \$5,000)
"Santa Fe Marshal" (Para.)
"Invincible Killer" (Prod. Dist.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,400. (Average, \$1,500)
"Courageous Dr. Christian" (RKO)
"Bulldog Code" (RKO)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$900. (Average, \$900)
"Adventure in Diamonds" (Para.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$3,200. (Average, \$6,000)

'Virginia' Omaha's Winner at \$7,400

OMAHA, April 15.—"Virginia City" pulled \$7,400 at the Orpheum. Rainy weather combined with a Shrine-sponsored indoor circus to hit grosses generally.

Estimated takings for the week ending April 11-12:

"Too Many Husbands" (Col.)
"Men Without Souls" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$4,300. (Average, \$4,000)
"Strange Cargo" (M-G-M)
"The Ghost Comes Home" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: \$6,200. (Average, \$6,000)
"Virginia City" (W. B.)
"Chump at Oxford" (U. A.)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: \$7,400. (Average, \$7,200)

Zanuck Sets 20 Films at Million Each

(Continued from page 1)

will be one of the biggest films the company has ever made, he said. "Lillian Russell" will be the longest film the company has ever released, running 10 hours and 22 minutes.

Sidney R. Kent, president, and Joseph M. Schenck, chairman of the board, stressed the need for greater exhibitor cooperation in obtaining domestic revenue due to the serious situation abroad.

Wobber Says Sales Policy to Be Flexible

Sales policy of 20th Century-Fox will be flexible for the new season, depending on individual deals and with no general rule prevailing, declared Herman Wobber, general manager of distribution, on his return yesterday from Chicago, where he presided at the company's annual sales convention.

What the company is interested in is revenue, said Wobber. The terms and policy will be set to meet each situation. Other home office executives and Eastern staffs returned with Wobber.

Sidney R. Kent, president, and Charles E. McCarthy, director of advertising and publicity, arrive from Chicago today. They remained there for conferences with Joseph M. Schenck, chairman of the board; Darryl F. Zanuck, vice-president in charge of production; William Goetz, assistant to Zanuck, and Harry Brand, studio advertising and publicity director. The studio officials left for the Coast last night on a chartered plane.

Twentieth Century-Fox is the first company to launch its 1940-'41 selling. A number of new season contracts already have been sold in some situations.

Wobber estimates that 1939-'40 feature contracts will total 12,000, with sales running 300 more than last year at this time.

"Exhibitors must make up their minds that they must get more out of big pictures than ever before," Wobber said. "The loss of foreign revenue is a serious problem confronting the entire industry."

"Our production executives are approaching the problem with courage and determination. Exhibitors must help them share the burden by using more showmanship, by increasing admission prices on the bigger pictures, by giving proper terms and playing time."

Book Examination Delayed for Appeal

PHILADELPHIA, April 15.—Examination of books and clearance records of the Warner Bros. Theatre Circuit and the major distributors who are defendants in an anti-trust suit brought by the Landis Theatre of Vineland, N. J., was delayed today by Special Master David Bachman to permit the defendants to appeal from a ruling which permitted the examination.

Hollywood's Studio Club Will Be Theme of Picture

HOLLYWOOD, April 15.—For years, the Hollywood Studio Club has been a refuge, more or less, for women, young and old, in Hollywood. Housed in a building resembling a hotel, almost in the center of film production, the club has carried on many activities, which make it kin to a hotel, a boarding house, a Y. W. C. A. establishment and the like.

Now, for the first time in history, its work will be portrayed on the screen. Herbert I. Leeds, film editor made a director some time ago at 20th Century-Fox, had an idea which the studio is having him develop. He will direct it from a screenplay he and William Brent are writing. Brent, incidentally, is the sound crew worker signed as a writer by the studio when the *Saturday Evening Post* accepted a story by him.

20th Century-Fox has purchased an original story, "The Bride Wore Crutches," by Ed VERDIER and ALAN DRADY for a LUCIEN HUBBARD production; "Owners Up," a trotter horse story by ROY CHANSLOR for a WALTER MOROSCO-RALPH DIETRICH production; and "Man with a Shovel," by DALTON TRUMBO, for production by the same pair. . . . WALTER PIDGEON has been borrowed from M-G-M to play with ANDY DEVINE a featured role in "When the Daltons Rode," a super-western story to be directed by GEORGE MARSHALL at Universal. . . . MARY BETH HUGHES' contract has been extended at 20th Century-Fox. . . . HENRY HULL and DONALD MEEK have been signed by 20th Century-

Fox for "The Return of Frank James," sequel to "Jesse James," in which they both played.

M-G-M's "One Came Home" title is eliciting various comments, for it is based on a horse racing background. S. SYLVAN SIMON will direct the AL LEVOY production. . . . SIGMUND NEUFELD has changed the title of "Sons of the Finest" to "I Take This Oath." The picture, which features GORDON JONES, is being made for distribution by Producers Releasing Corp. . . . NEUFELD has purchased "Skip Tracer," original story by RAYMOND SCHROCK and WILLIAM PIERCE, dealing with installment buying. . . . Because of his work on "The Biscuit Eater," which JACK MOSS produced, Paramount has signed to a long term contract as director STUART HEISLER. . . . ESTHER ESTRELLA, local girl of Mexican descent, has been signed by HARRY SHERMAN for the feminine lead of "Three Men from Texas," Hopalong Cassidy picture.

LOU MERRILL, veteran radio actor, has been given a role in the DeMille-Paramount "North West Mounted Police" . . . Warners has lined up OLIVIA DE HAVILLAND, EDDIE ALBERT, JANE WYMAN and WILLIAM T. ORR for "Episode," which KURT BERNHARDT will direct. . . . RKO is seeking the services of GREGORY LACAVA to direct two pictures a year for the next three years. . . . RKO's sequel to "Mexican Spitfire" will be titled "Look Out Below."

U.S. Banks to Lend Korda \$3,600,000

(Continued from page 1)

nately made regarding the post. That such an appointment may be made within the next few weeks, and prior to the first of the company's proposed regional sales meetings to be held early in May, has been indicated.

At present the sales department operates in two divisions. One, the Eastern division, is directed by Harry Gold, vice-president; the Western division is directed by Jack Schlaifer, vice-president.

Productions on which the company is depending to set new records, Silverstone will tell the board, are: "The Dictator," now being completed by Charles Chaplin; "Rebecca," which is now on release and about to enter its fourth week at the Radio City Music Hall; "My Son, My Son," Edward Small production, also on release and scheduled to follow the Selznick film into the Music Hall; "The Westerner," produced by Samuel Goldwyn, and "One Million B.C." besides "Jungle Boy" and "The Thief of Bagdad."

Additionally, David O. Selznick, personally, is scheduled to make two films for the company.

Korda Hires Birdwell

Alexander Korda has employed Russell Birdwell to do special publicity on his film, "The Thief of Bagdad."

No Legal Barrier Seen to Individual Settlement Decrees

(Continued from page 1)

of the film companies which so desire reaching a separate settlement agreement with the Government. In the event that one or several of the companies made such a settlement, the case against it or them simply would be dismissed and the non-participating companies would go to trial.

Whether the Department would accept individual surrenders would depend, of course, on the concessions offered. That nothing less than the provisions which have been under discussion in New York would be accepted goes without saying, but the Department has never officially disclosed whether it would demand more than was recommended in the settlement proposals prepared by the Department of Commerce.

Hear Delay Plea Friday; New Particulars Due Today

Federal Judge John C. Knox on Friday will hear the application of the major companies for an adjournment of the Government's "key" anti-trust suit to June 1, it was announced yesterday. The hearing will be held behind closed doors, it was said.

The Government will serve its supplemental bill of particulars upon the majors today, Government attorneys said.

EXCITINGLY TOGETHER...

In 1940's Outstanding Romance!

Vivien Laurence
LEIGH ★ OLIVIER

the Scarlett O'Hara of
"Gone With The Wind"

the star of "Rebecca"
and "Wuthering Heights"

and LESLIE BANKS in

**21 DAYS
TOGETHER**

A COLUMBIA PICTURE

'Tears', Show Denver Best With \$13,500

DENVER, April 15.—A stage show at the Denham helped "French Without Tears" to turn in \$13,500. "Strange Cargo" and "Henry Goes Arizona" drew \$11,300 at the Orpheum.

Estimated takings for the week ending April 10:

"Virginia City" (W. B.)
"Chump at Oxford" (U. A.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$4,500. (Average, \$3,500)
"Pinocchio" (RKO)
"Courageous Dr. Christian" (RKO)
BROADWAY—(1,040) (25c-40c) 7 days, "Pinocchio" 3rd week. "Dr. Christian" 2nd week. Gross: \$2,500. (Average, \$2,500)
"French Without Tears" (Para.)
DENHAM—(1,750) (25c-35c-50c) 7 days, with "La Vie Parée" stage show. Gross: \$13,500. (Average, \$6,000)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$10,000. (Average, \$8,000)
"Strange Cargo" (M-G-M)
"Henry Goes Arizona" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$11,300. (Average, \$8,000)
"Castle on the Hudson" (W. B.)
"Return of Dr. X" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,500. (Average, \$3,500)
"Shooting High" (20th-Fox)
"Son of the Navy" (Mono.)
RIALTO—(878) (25c-40c) 7 days. Gross: \$1,750. (Average, \$1,750)

'Rebecca' Is Smash \$12,000, New Haven

NEW HAVEN, April 15.—"Rebecca" dualled with "The Lone Wolf Strikes," took a smash \$12,000 at the Loew-Poli, and moved for a second week to the College. "Pinocchio" and "Millionaire Playboy" grossed \$8,300 at the Roger Sherman, and the Paramount, with "House of Seven Gables" and "Black Friday" grossed \$4,500.

Estimated takings for the week ending April 11:

"Young Tom Edison" (M-G-M)
"The Man Who Wouldn't Talk" (20th-Fox)
COLLEGE—(1,499) 35c-50c, 7 days, 2nd week. Gross: \$2,700. (Average, \$2,700)
"Rebecca" (U. A.)
"The Lone Wolf Strikes" (Col.)
LOEW-POLI—(3,040) 35c-50c, 7 days. Gross: \$12,000. (Average, \$8,000)
"House of Seven Gables" (Univ.)
"Black Friday" (Univ.)
PARAMOUNT—(2,348) 35c-50c, 7 days. Gross: \$4,500. (Average, \$4,000)
"Pinocchio" (RKO)
"Millionaire Playboy" (RKO)
ROGER SHERMAN—(2,200) 35c-50c, 7 days. Gross: \$8,300. (Average, \$5,000)

20th-Fox Buys 2 Stories

HOLLYWOOD, April 15.—Twentieth Century-Fox has purchased two stories, "Studio Club" and "The Bride Wore Crutches," by Ed Verdier and Alan Brady. The studio has renewed the contracts of Mary Beth Hughes and Elyse Knox.

Ona Munson to Republic

HOLLYWOOD, April 15.—Ona Munson has been signed to a three-picture deal by Republic. Her first assignment is the feminine lead in "Wagons Westward." The second role will be in "Lady from New Orleans."

Set 'Hobby' Shorts

Leonard-Greene Film Productions here plan a series of shorts based on the radio program, "Hobby Lobby." Dave Elman, originator of the program, will appear. Burnet Hershey is preparing the continuity. Shooting will begin this week.

Critics' Quotes . . .

"FLORIAN" (M-G-M)

Will delight those who are fond of animals . . . Children will be captivated by the film . . . has its faults for the critical but its entertainment value, outside of the earlier slower stages, cannot be denied.—Edwin Schallert, Los Angeles Times.

Puzzling film . . . overlong, erratic in pace, pitted with ineptitudes of writing and direction, full of discord in the treatment of comedy and drama. But it is a fascinating film withal.—James Francis Crow, Hollywood Citizen-News.

Good—is indeed a rare treat for horse lovers, but, to use a turf expression to denote "pulling," the ditty come in "under wraps" for the average film fan.—Los Angeles Herald Express.

"BISCUIT EATER" (Paramount)

One of the best dog pictures ever made . . . captivated the audience by its naturalness and human interest.—Los Angeles Examiner.

Should enjoy popularity . . . everyone, whether an avid dog lover or not, cannot help but feel a definite tug at the old heartstrings when viewing this new film.—Los Angeles Times.

"DARK COMMAND" (Republic)

A lavish production . . . super plus Western with all the stops out and should please action fans.—Los Angeles Examiner.

Rousing melodrama, with excellent motivation, exceptional characterizations and plenty of life and movement . . . should enjoy the best of recognition.—Los Angeles Times.

Director Raoul Walsh and Producer Sol C. Siegel brought home the cinematic bacon (so to speak) in fine style . . . Don't miss "Dark Command."—Jimmy Starr, Los Angeles Herald and Express.

"TOO MANY HUSBANDS" (Columbia)

Delightful comedy . . . Tennyson must have turned over in his grave the night "Too Many Husbands" was released.—C. J. Bulliet, Chicago Daily News.

A devilish little comedy-romance this one, mischievously stepping on the toes of the cinema conventions, yet never overstepping the bounds of good taste.—Chicago Herald-American.

A gay and diverting trifle that's not to be taken seriously. The fun sometimes turns slapstick and childish but most of the time everybody manages to be thoroughly entertaining.—Doris Arden, Chicago Daily News.

"THE HOUSE OF SEVEN GABLES" (Universal)

A neat, well-enacted production that moves along at a compelling pace . . . more dramatic interest in "The House of Seven Gables" than in many a star studded film.—Elsie Finn, Philadelphia Record.

Can be recommended for immediate viewing . . . told with profound understanding and equally profound attention to the universal concepts of Hawthorne's deathless saga.—Dorothy Guinan, Philadelphia Daily News.

A colorful melodrama . . . exceptionally well cast and acted.—Laura Lee, Philadelphia Bulletin.

The acting is capable rather than inspired, the direction is pedestrian, run-of-the-mill rather than virile.—Philadelphia Enquirer.

An absorbing film version of "The House of Seven Gables" . . . it's good narrative.—Philadelphia Ledger.

"IT ALL CAME TRUE" (Warners)

Not only the best picture the "Oomph" girl has ever done, but it's a smash hit for Warners and a perfectly swell supporting cast.—Los Angeles Examiner.

One of the very best of recent pictures . . . once the plot is launched, "It All Came True" is colorful, amusing and possessed of ample heart interest.—Edwin Schallert, Los Angeles Times.

A lot of good fun and should prove popular with all types of moviegoers.—Los Angeles Herald Express.

"STAR DUST" (20th Century-Fox)

An acceptable dish of entertainment . . . the humanness of the story should carry the production to success everywhere.—Edwin Schallert, Los Angeles Times.

I don't know when I have enjoyed a picture more and I think I am an average audience . . . one of the best pictures to come of 20th Century-Fox for many, many a day.—Louella O. Parsons, Los Angeles Examiner.

I thought it ended all too soon, and that's a compliment few pictures earn.—Jimmy Starr, Los Angeles Herald Express.

"IT'S A DATE" (Universal)

Thoroughly ingratiating and wholesome entertainment . . . pretty close to par for the Durbin course.—Newsweek.

There are a lot of bright dialogue, a lot of amusing situations, a lot of amiable people who have such a good time together that everybody else does too.—Time.

Joe Pasternak, producer of all Deanna Durbin pictures, can chalk up another hit, making it seven in a row for this talented young singing star.—Dorothy Guinan, Philadelphia Daily News.

More captivating even than "First Love," Deanna Durbin's seventh film is one of her best.—Laura Lee, Philadelphia Bulletin.

'Vigil' Draws \$14,500, Tops Los Angeles

LOS ANGELES, April 15.—Holdovers tended to hold down grosses here, but "Vigil in the Night" and "Ma, He's Making Eyes at Me" drew \$14,500, with \$7,200 at the Hills and \$7,300 at the Pantages. "Rebecca," in the second week at the 4 Star, drew a strong \$8,000.

Estimated takings for the week ending April 10:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1518) 75c-\$1.50, 7 days, 15th week. Gross: \$10,000. (Average, \$17,000)
"Star Dust" (20th-Fox)
"Slightly Honorable" (U. A.)
CHINESE—(2,500) 30c-75c, 7 days. Gross: \$10,000. (Average, \$12,500)
"Rebecca" (U. A.)
4 STAR—(900) 40c-55c, 7 days, 2nd week. Gross: \$8,000. (Average, \$3,250)
"Vigil in the Night" (RKO)
"Ma! He's Making Eyes at Me" (Univ.)
HILLSTREET—(2,700) 30c-65c, 6 days. Gross: \$7,200. (Average, \$6,500)
"Star Dust" (20th-Fox)
"Slightly Honorable" (U. A.)
LOEW'S STATE—(2,500) 30c-65c, 7 days. Gross: \$11,500. (Average, \$14,000)
"Vigil in the Night" (RKO)
"Ma! He's Making Eyes at Me" (Univ.)
PANTAGES—(3,000) 30c-65c, 6 days. Gross: \$7,300. (Average, \$7,000)
"Dr. Cyclops" (Para.)
PARAMOUNT—(3,595) 30c-65c, 7 days. Stage: F. & M. revue, Ray Kinney and his orchestra. Gross: \$18,000. (Average, \$18,000)
"Gone With the Wind" (M-G-M)
UNITED ARTISTS—(2,100) 75c-\$1.50, 7 days, 15th week. Gross: \$10,000.
"Virginia City" (W. B.)
WARNER BROS. (Hollywood)—(3,000) 30c-65c, 7 days, 3rd week. Gross: \$8,500. (Average, \$14,000)
"Virginia City" (W. B.)
WARNER BROS. (Downtown)—(3,400) 30c-65c, 7 days, 3rd week. Gross: \$9,600. (Average, \$12,000)

Strike Closes Big Mexican Theatre

MEXICO CITY, April 15.—A strike for higher wages and other economic concessions which the exhibitors assert they cannot meet has closed the Cine Esclava, one of the largest film houses in the port of Vera Cruz. The state and federal labor authorities have been appealed to for a settlement of the conflict.

Diego Rivera, noted Mexican painter, has been granted a Federal government subsidy, said to be about \$85,000, to write, direct and produce a picture that will have the oil question as its theme. The exteriors of the film are to be made mostly in the oil zones of Tampico and Vera Cruz state.

Gregorio Castillo, for several years chief of the picture section of the Government Press and Publicity Bureau, which was recently suppressed, has turned picture producer. He is making "Maria Cristina," a dramatic love story, featuring several aces of the Mexican screen and stage.

Mexico now has 39 active directors. There were only three of them when talkies started in this country 10 years ago.

Armando Espinosa has been elected secretary general of the National Cinematographic Workers Union for the third consecutive term.

Many Executives To Dallas Meeting

One of the largest delegations of home office executives ever to attend a national convention of Variety Clubs is scheduled to be on hand at this year's session, starting Thursday in Dallas.

Many of the executives will leave on the Variety "special" from Grand Central station today while others will go by plane tomorrow.

Among those planning to make the trip are Barney Balaban, Paramount president; Nate J. Blumberg, Universal president; Ned Depinet, L. E. Thompson, Cresson Smith and Andy Smith of RKO; Stanton Griffis, Leonard Goldenson and Oscar Morgan of Paramount; Gradwell L. Sears, Warners; W. A. Scully, W. J. Heineman and F. J. A. McCarthy, Universal; H. J. Yates and J. R. Grainger, Republic; William Rodgers, M-G-M; W. Ray Johnston and Edward Golden, Monogram; Abe Montague, Columbia, and Herman Robbins, George Dembow and Charles Casanave, National Screen Service.

K. C. Club to Dallas

KANSAS CITY, April 15.—Approximately 35 members of Variety Club here will attend the national Variety Club convention at Dallas this week. Most of the barkers will go in a special train, which will be equipped with a clubroom and with refreshments supplied by the local club.

Large Pittsburgh Group

PITTSBURGH, April 15.—One-third of the local Variety Club membership will leave tomorrow night on four special trains for the Dallas convention. The delegation of 46 will be headed by National Chief Barker John H. Harris. In the party will be four Warner theatre managers and one Harris manager, guests of their companies as winners in exploitation-sales contests.

Bioff Enters Prison To Serve Sentence

CHICAGO, April 15.—William Bioff, Coast I. A. T. S. E. leader, today entered Bridewell Prison to serve out a six-month sentence on an 18-year-old charge as attempts to free him pending review of his case by the Illinois Supreme Court failed.

Abe Marovitz, Bioff's attorney, said he would seek a pardon from Gov. Henry Horner and if that fails will take other steps. At the present moment, Bioff's next chance for freedom will be the Supreme Court review, which may come up at the June term. However, the probability is that the case will not be heard until Fall, by which time Bioff would have completed his sentence.

Files Pardon Plea

SPRINGFIELD, Ill., April 15.—William Bioff today filed an application with the Illinois Pardon Board asking a full pardon of the old conviction. The application, which cannot be considered until the July term of the board, was filed shortly after he entered a Chicago jail to begin his term.

Earlier in the day at Springfield, his counsel asked the Illinois Supreme Court for leave to file a petition for a writ of habeas corpus.

Hollywood Review

"Buck Benny Rides Again"

(Paramount)

HOLLYWOOD, April 15.—Showmen have here a picturization of the Jack Benny radio troupe, minus Mary Livingstone, save vocally, and plus Fred Allen the same way, to sell to their customers. Customers who listen to the Benny air show may be told that this picture shows Jack, Rochester, Phil Harris, Dennis Day, Andy Devine, plus Don Wilson for the duration of the introductory credit listings, which he reads aloud, both as themselves and as themselves in the sort of skit they fictionize on their Sunday night broadcasts. There is also Carmichael, the polar bear, played by a polar bear, and there are other players not regularly identified with the Benny broadcasts.

Produced and directed by Mark Sandrich, the story opens with Benny and his associates in New York in midsummer preparing for the next season's broadcasting. Harris is for going to Nevada, where a girl he knows is in the process of obtaining a divorce. Benny becomes interested in Ellen Drew, playing one of three sisters, a vocal trio, who rebuffs him. Rochester, Benny's valet, is more warmly regarded by Theresa Harris, Miss Drew's maid. The scene shifts to Nevada where Benny pretends to be owner of Devine's ranch, bribes the cowhands to let him bully them, fails of this device for winning the girl's admiration, succeeds accidentally in capturing two authentic bad men who try to rob the smart desert hotel where the picture ends.

Gags of the Benny program variety are interrupted by song and dance numbers by Rochester and Miss Harris, by vocal numbers by the girl trio, by a floor show in which the Merriel Abbott dancers appear and by other musical features. Reaction of a Hollywood preview audience was expressed in laughter which started with the flash of the first title and continued to the end, punctuated several times by applause.

William Morrow and Edmund Belton wrote the screenplay from a story by Arthur Stringer adapted by Zion Myers. LeRoy Prinz staged the dances. Lyrics are by Frank Loesser, music by Jimmy McHugh.

Running time, 82 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

Price of Zanuck's Stock Fixed at \$13

The price which Darryl F. Zanuck, 20th Century-Fox vice-president in charge of production, will pay for the 100,000 shares of common stock under his proposed option was fixed yesterday at \$13 a share.

The option will be voted on today at the annual meeting of 20th Century-Fox stockholders. It provides that the purchase price shall be whichever of these amounts is higher: \$13 a share, or an amount which is \$1 more than the average price per share at which the stock was sold on the day prior to the stockholders' approval of the option.

With a turnover of 1,600 shares on the New York Stock Exchange, the stock yesterday sold at a high of 10½, easing off to 10¼ at the close.

The stockholders at today's meeting will be asked to approve a five-year employment contract to Zanuck at his present salary beginning Aug. 22, 1942, when his present contract expires.

Twelve directors are to be reelected by the stockholders.

Para. Asks Tax Cut

Application of Paramount Pictures to consolidate proceedings against the Tax Commission of New York City for reduction of assessments upon 331 W. 44 Street, New York City, was filed yesterday in the N. Y. Supreme Court. Seven suits have been filed covering the years, 1933 to 1940, in which Paramount charges excessive assessments totalling \$340,000. The application will be heard today.

Neb. May Appeal Decision on Ascap

LINCOLN, April 15.—Possibility of an appeal to the U. S. Supreme Court being taken by Nebraska in the case to determine the constitutionality of its anti-Ascap law was described as "good" by Attorney General Walter Johnson.

Johnson has just returned from Washington where he was admitted to practice before the Supreme Court.

He obtained some financial backing in Washington, which will contribute to the possibility of an appeal, since the cost of printing the record of the Ascap case in the face of a shortage of funds in the Attorney General's office has been a barrier to a move for an appeal.

A Federal statutory court here ruled that the state anti-Ascap law was unconstitutional and inoperative and a similar court at Omaha refused the state's application for a rehearing of the case about three weeks ago.

Havana Convention To Hear Hutchinson

Walter J. Hutchinson, 20th Century-Fox director of foreign distribution, will attend a sales meeting in Havana April 25 to 28 for Central American managers. Herbert White, manager of the Cuban office, is in charge of arrangements.

Hutchinson will return to New York following this meeting. Whether he will go to Europe to attend London and Paris meetings in May depends on the war situation.

Grandpa GOES TO TOWN
A HIGGINS FAMILY PICTURE

JAMES LUCILE RUSSELL GLEASON
HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS
A REPUBLIC PICTURE

"What are you tryin' to do - wake the dead?"

"No-no, suh! They is precisely what ah is not tryin' to wake."

Radio Brevities

INDIVIDUAL medium-powered stations caused the greatest number of investigations to be initiated by the Federal Trade Commission during the first six months of 1939, figures released by the Commission reveal. The commission points out, of course, that it marks commercial radio continuities for further investigation when such a course seems warranted and that figures relating to investigations do not necessarily represent any final punitive action by the F.T.C.

The figures are 34.2 per cent for individual medium-powered stations; nationwide networks, 23.1 per cent; individual low powered stations, 18.1; individual clear channel stations, 10.6; individual high powered stations, 5.9; regional networks, 4.2; and transcription recordings, 3.9.

F-M Amateurs Get Band

To permit wider amateur experimentation with frequency modulation, the F.C.C. has set aside the band from 58,500 k.c. to 60,000 for amateur F-M transmission. Previously, amateurs were permitted to use only the bands above 112,000 k.c. for these purposes.

WNEU Plans Weather Service

Acting with the cooperation of the Coast Guard, WNEU will install a weather service for small pleasure boats this Summer. Weather forecasts will be given on weekends and spot warnings will be broadcast in the event of sudden squalls. The larger boats carry short-wave equipment which permits them to get the Coast Guard reports directly, but the smaller boats have no such sets. Use of portable receivers, however, will permit them to get WNEU's reports.

Program Notes

Gillette Safety Razor Co. will sponsor a broadcast of the Kentucky Derby over 85 CBS stations at 6:30 P.M. on May 4. . . . KDKA has arranged a trade under which the station presents a five-minute daily shopping program culled from advertisements in the Pittsburgh Post-Gazette, and the paper, in return, carries a six-inch by-lined column daily by Jim Lintzel, publicity director, about the KDKA programs. . . . "Gay Nineties Revue" will be broadcast from Carnegie Hall next Saturday to aid an American Legion benefit. CBS will carry the show at 11:05 P.M. instead of the usual 10:30.

Toscanini to South America

Arturo Toscanini will take the NBC Symphony Orchestra on tour through South America on May 31. They will arrive in Rio de Janeiro on June 12 and will make 16 appearances in Brazil, Argentina and Uruguay. It will mark the first appearance of the orchestra outside the United States and the return of Toscanini to South America after an absence of 25 years.

All costs and expenses connected with the tour are covered by guarantees made by the authorities of the various South American cities in which the concerts will be given. Al-

Hollywood Preview

"Forty Little Mothers"

(M-G-M)

HOLLYWOOD, April 15.—Playing his first straight dramatic role, Eddie Cantor is here seen as a down and out professor who finds and keeps an abandoned baby, gets a job teaching in an exclusive girls' school, and ends up returning the baby to its mother and keeping his job despite efforts on the part of the girls to get rid of him.

As "Chum," the baby, Baby Quintanilla kept a preview night, Hollywood audience laughing happily in sympathy with him, a circumstance made more easy by virtue of the baby's sex—since the fact of Cantor's five daughters in real life is well known in Hollywood, and "Chum" is a boy. Judith Anderson is seen as the strict school mistress, ably aided in the prevailing comedy moments of the film by Nydia Westman, with whom a good many adult references are exchanged.

Rita Johnson, as the mother whose poverty forced her to abandon the child, Ralph Morgan, and Bonita Granville, Diana Lewis, Margaret Early, Martha O'Driscoll, Charlotte Munier and Louise Seidel as the leading spirits among the school girls, round out the cast.

The screenplay by Dorothy Yost and Ernest Pagano, based on a story by Jean Guitton, portrays the girls undergoing a change of heart from the time when they had wanted only to get rid of Cantor as protest against the fact that their former favorite professor had been fired. Caring for the baby, kept in Cantor's rooms strictly against school regulations, they finally persuade their headmistress to keep him when the baby's mother claims the child.

Comedy and sentiment are ably and adroitly mixed in the Harry Rapf production, which was directed by Busby Berkeley, with the film receiving further aid in Cantor's projected personal appearances on behalf of the picture.

Running time, 88 minutes. "A."*

W. S.

*"A" denotes adult classification.

though broadcasts to the United States are planned, no definite schedule has been set. There will be four concerts in Rio, two in San Paulo, eight in Buenos Aires and two in Montevideo. They will return to New York on July 22.

Personalities in the News

Henry Hull will be heard on the "My Son Contest" over WMCA tonight at 8:15. . . . Richard Hogue has joined the WHN announcing staff. . . . Dennis King will be guest of "Texaco Star Theatre" over CBS on Wednesday, April 24 in a radio dramatization of "Petticoat Fever." . . . Fred Allen observes his 30th anniversary in the show business over NBC-Red on Wednesday, April 24 while Kate Smith celebrates her ninth year in radio over CBS two days later. . . . Rosalind Russell and Spencer Tracy will appear in the last "Gulf Screen Guild" show over CBS this Sunday at 7:30 P. M. . . . Lyn Murray has been signed to do the theme music on the "Ellery Queen" series.

On New York Fund Committee

William S. Paley, president of CBS; Jerome A. Danzig of WOR and Lunsford P. Vandell of RCA are among the 15 representatives of utilities and amusements on the Committee of Forty formed for the Greater New York Fund.

Kaltenborn on Two Webs

H. V. Kaltenborn has the unique distinction of appearing on two national networks with only a half-hour lapse between programs these days. He is heard over CBS from 6:30 P.M. to 6:45 on Mondays, Wednesdays and Fridays, and goes on over NBC-Red at 7:15, for another talk. Pure Oil Co. is the sponsor of both shows.

Democrats Appoint Johnstone Air Head

George W. "Johnny" Johnstone yesterday resigned as director of public relations and special events for WOR and Mutual to be radio director for the Democratic National Committee. Johnstone's resignation will be effective May 1. No successor has been chosen for his post at WOR and Mutual.

Johnstone, one of the pioneers in wireless telegraphy and radio, has been with WOR for five years. In 1910, at the age of 10, he obtained his first amateur's license. He served as radio operator with the U. S. Navy during the World War and accompanied President Wilson on the latter's trip to France. In March, 1923, he joined WEAU, became the station's publicity director a year later, and from 1926 to the time he joined WOR, acted as manager of press relations and assistant to the president for NBC. Johnstone will be in charge of all radio campaigns and promotion for the National Committee. He will divide his time between New York and Washington but will make his headquarters in Washington. During the Finnish Relief Fund Drive, Johnstone acted as radio director for the drive.

Deny Theatre Firm Radio Station Plea

WASHINGTON, April 15.—Publix Bamford Theatres, Inc., today was denied a construction permit by the Federal Communications Commission for a 1,000-watt broadcasting station at Asheville, N. C.

The application was denied on the ground that the proposed station was not in conformity with the commission's plan of allocation.

U.S. Television Will Surpass British: Ford

Television development in the United States is progressing so rapidly that it is bound to overtake and pass British development of the new art, in the opinion of Richard Ford, representative of Odeon Theatres, Ltd., of London.

Ford arrived from England about two months ago and has made a special study of television progress here for Odeon. He pointed out that with British television at a standstill because of the war, at the current rate of development American television will be in a position to capture the British market at the close of the war.

Ford said that he believes American manufacturers are "wise" not to attempt to introduce theatre television here at this time. He said American audiences are more critical than audiences in England, where television in theatres commanded high prices, and that to introduce it to audiences here would serve only to invite comparison with motion picture screen images to the disadvantage of television.

The Odeon representative said he believes it will be a "long time" before commercial television will pay for itself, because of excessive operating and program costs. Ford will leave for Canada this week and return to London from there.

NLRB Gets Circus Complaint by Union

Charges of unfair labor practices were filed with the National Labor Relations Board against the Ringling Bros. and Barnum & Bailey Circus by Ralph Whitehead, president of the Circus, Carnival, Fair and Rodeo International Union yesterday. Whitehead charged that the management formed a "company union," discriminated against members of his union; and refused to bargain collectively with the C.C.F.R.I.U. The union has been picketing the circus since it opened at Madison Square Garden.

Metro Negotiating Subsequent Deals

M-G-M is negotiating subsequent run dates for "Gone With the Wind" in the large cities, to begin following the completion of first run and move-over engagements and runs at Loew theatres.

The first subsequent run in New York City after the Loew circuit will start May 1 for a week at the Plaza, de luxe neighborhood on 58th St. at Park Ave. Policy will be three shows a day at 75 cents and \$1.10. Loew neighborhoods will complete their engagements of the film by the end of this week.

Deals are on for other neighborhood runs in New York City and in other cities.

Televis Shakespeare

PHILADELPHIA, April 15.—Excerpts from Shakespearean plays will be televised over the Philco experimental station here on Wednesday.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
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OL. 47. NO. 76

NEW YORK, U. S. A., WEDNESDAY, APRIL 17, 1940

TEN CENTS

Zanuck Voted New Contract, Stock Option

Stockholders Approve Five-Year Pact

By AL FINESTONE

Stockholders of 20th Century-Fox at their annual meeting yesterday gave overwhelming approval to a five-year extension of contract to Darryl F. Zanuck, vice-president in charge of production, beginning Aug. 22, 1942, when his present contract expires.

The stockholders also voted Zanuck an option to buy at \$13 a share 100,000 shares of unissued stock during a seven-year period starting Aug. 22, 1940.

All present directors were reelected at the meeting. The directors later reelected all present officers, as follows: chairman of the board, Joseph M. Schenck; president, Sidney R. Kent; executive vice-president, W. C. Michel; vice-presidents, Zanuck and

Kent Turned Back \$52,000 in Salary

Sidney R. Kent told the stockholders' meeting that a few weeks ago he turned back \$52,000 of his last year's salary to the company. Kent explained he did this because of the necessity to economize in the company's operations due to the curtailed revenue from abroad.

William Goetz; treasurer, Sydney Towell; comptroller and assistant treasurer, Wilfred J. Eadie; secretary, Felix A. Jenkins; assistant secretaries, John P. Edmondson, J. Har-

Net Profit of B. & K. In 1939 \$1,329,964

CHICAGO, April 16.—Balaban & Katz Corp. today reported profit for 1939 of \$1,329,964.15, compared with profit of \$1,270,000 for 1938. The operations included B. & K. Chicago Theatres, Publix Great States Theatres, and B. & K. operated houses in Toledo, O., Hammond, Marion and South Bend, Ind.

The present board of directors was reelected. The circuit has acquired the Tivoli in Aurora, Ill., operated by the circuit for some years. The board will meet to elect officers late in May.

Majestic Radio Reorganization Plan Provides Stock Interest to Du Mont

Allen B. DuMont Laboratories, a controlling interest in which is owned by Paramount, will obtain an option to acquire a large block of the stock of Majestic Radio and Television Corp. of Chicago under a Majestic reorganization plan filed in Federal District court in Chicago yesterday.

In addition to the stock interest, the plan, if approved by the court, will give DuMont access to patents and licenses on television sets owned by Majestic and will establish a close affiliation between the two in the radio field, where Majestic already is an important factor.

The new DuMont television station will be ready Sept. 1, Paul Raibourn, DuMont treasurer and Paramount executive, declared yesterday. DuMont Saturday obtained a Class 2 license for a station in New York, to be located at 515 Madison Ave. The license permits limited commercial programs, when the F.C.C. grants approval.

Raibourn said the station will be equipped to transmit pictures from 200-800 line definition. In outlining the programs, Raibourn specified sports, Broadway shows and political speeches but made no mention of films. Behind DuMont are Stanton Griffis, chairman of Paramount's executive committee; John Hay Whitney, financier of Selznick-International and Lehman Bros., bankers, Raibourn said.

Howard Philbrick Named Casting Chief

HOLLYWOOD, April 16.—Howard Philbrick, former Department of Justice agent and recently State Director of Motor Vehicles, was announced today as general manager of Central Casting Corp. He was given full power to reorganize the bureau, through which the studios employ extras.

Philbrick succeeds Campbell McCulloch, who resigned after holding the post six years. The Screen Actors' Guild executive committee has approved the change. A survey of the overcrowded field of extra workers will soon be completed.

U. S. to Subpoena Coast Executives

The Government yesterday obtained an order from Federal Judge Henry W. Goddard authorizing it to subpoena Samuel Goldwyn, Charles Chaplin, Joseph M. Schenck, Darryl F. Zanuck, Louis B. Mayer and Ernest V. Richards, Jr., as witnesses in the Government's anti-trust suit.

The order was secured by an affidavit of Paul Williams, Special Assistant Attorney General in charge of the suit, which stated that the film executives would be "material witnesses." The U. S. Marshal in California is empowered to serve the sub-

(Continued on page 6)

Cannot Recoup European Loss in S.A.—McConville

By SHERWIN A. KANE

The belief that revenue losses due to the European war can be recouped through more intensive effort in South America, not only is a "myth" but has brought repercussions in the form of taxation and legislation in many South American localities, Joseph A. McConville, Columbia foreign manager, said yesterday, on his return from a two-month tour of Central and South America.

"Distribution throughout the Latin American market is well developed," he said. "The only means of increasing the revenue from that market is to provide it with better pictures and more of them. Business can be in-

creased there only by the same means as here at home or anywhere else."

In the meantime, McConville said, Chile, Peru, Brazil and Argentina have proposed tax legislation designed to curb any unwarranted exploitation by the film industry.

The war itself has had no noticeable effect on the industry's business with Latin America, he said. About 60 pictures a year are produced in South America, he reported, and this is popular in the interior, where it is winning new patrons and developing some new patronage for American films.

McConville plans to hold sales meetings in Central and South America next Fall.

Expect Neely Bills Will Die In Congress

Would Have to Start Over Again Next Year

WASHINGTON, April 16.—The Neely block booking and divorce bills will die with the adjournment of the current session of Congress, unless a special session should be called before next January.

Barring the possibility of a special session, this industry legislation then would have to start all over again, providing it is reintroduced next year.

On this point, there is considerable speculation here as to who would pick up the Congressional fight against the industry in the event Senator Matthew M. Neely abandons the two remaining years of his Senate term to run for Governor of West Virginia. His gubernatorial candidacy has been announced and it is said if he runs he is certain of election.

In the Senate Neely has been the only member for several years to back regulatory film legislation. In the House, Representatives Edmiston of West Virginia and Celler and Culkin of New York have offered measures, but have not pressed them.

It was indicated today that hearings on the block booking bill may be held in the near future, however, since agreement is near on the transportation bills.

But with the committee unlikely to be able to open such hearings before April 29 at the earliest, and the probability that another week would elapse before testimony could be taken, there is much doubt that a report could be made for House action before adjournment.

Gordon President Of 2 Texas Circuits

Julius M. Gordon yesterday was named president and executive in charge of operations of Jefferson Amusement Co. and East Texas Theatres, Inc., Paramount subsidiaries with headquarters at Beaumont, Texas.

Tom R. Clemmons was named vice-president and a director of Jefferson Amusement.

Gordon and Clemmons were in New York this week for meetings with Barney Balaban, Paramount president, at which the appointments were made. Gordon fills the vacancy left by the death of his father, Saul Gordon, who, with J. C. Clemmons, operated the circuits for many years.

Executives Flying To Dallas Today

A second contingent of home office executives will leave for Dallas by plane today to attend the national convention of Variety Clubs, which opens there tomorrow and continues through Saturday.

The first group out of New York left by train yesterday and a third delegation will leave by plane tomorrow.

Today's contingent going by special American Airlines plane includes: Ned E. Depinet, Cresson E. Smith, A. W. Smith, Jr., A-Mike Vogel, *Motion Picture Herald*; Herman Robbins, William Brenner, Austin C. Keough, Oscar Morgan, Harry Gold, James Mulvey, Harvey Day and Mitchell May, Jr.

The group leaving by train yesterday included: Leonard Goldenson, Sam Dembow, Jr., David Palfreyman, Edward Golden, Rube Jackter, Carl Leserman, John C. Flinn and Charles Lewis.

The delegation leaving tomorrow by plane will include Barney Balaban, Nate J. Blumberg, William A. Scully and L. E. Thompson.

A number of home office executives now on the Coast will go to Dallas from there for the convention. Among them will be Gradwell L. Sears and W. Ray Johnston. Abe Montague will leave Chicago today for Dallas.

'U' Signs Runyon

HOLLYWOOD, April 16.—Universal has signed with Damon Runyon to write the screenplays on two features for the new season.

Purely Personal

LEO SPITZ is due in town today from Chicago.

CHARLES STERN, United Artists Eastern district manager, is back at his desk after an absence of four weeks. He underwent an operation several weeks ago.

CHARLES E. MCCARTHY, 20th Century-Fox advertising and publicity director, has returned from Chicago.

BETTY FIELD, actress, left for Mexico City by plane last night, on a three-week vacation trip which also includes a visit to Guatemala.

NAT WACHSBERGER, executive vice-president of Film Alliance of the U.S., left for the Coast yesterday by plane.

A. A. SCHUBART, RKO manager of exchange operations, returned yesterday from a Florida vacation.

BARNEY KRANZE, branch manager for RKO in Albany, visited the home office this week.

ANTOINETTE SPITZER of the RKO publicity department is back from Florida.

JOAN CRAWFORD is en route from the Coast for a brief vacation in the East.

OSCAR A. DOOB returns to his desk at Loew's today from a Midwest trip.

RAY MILLAND flew back to the RKO studio yesterday.

JOHN MURPHY of JOSEPH R. VOGEL's office at Loew's, has returned from a tour around the Northeastern division.

ED SULLIVAN, *Daily News* film columnist, will be guest of honor at a cocktail party at the Hurricane Club tomorrow, when he opens a week's engagement with his Hollywood company at Loew's State.

HARRY RUBY, HARRY BUXBAUM, JOSEPH LEE, DENNIS KING, MARCUS HEIMAN, LEE SHUBERT, GUY BOLTON, SHIRLEY ROSS, JOHN GARFIELD and ROBERT MILTON lunching at Sardi's yesterday.

MAURICE SILVERSTONE, LEON BAMBERGER, ALAN FREEDMAN, THOMAS LOACH, HARRY THOMAS and WILLIAM FITELSON lunching at Bob Goldstein's Tavern yesterday.

ANDRE R. HEYMANN, president of French Cinema Center, Inc., left yesterday by *Clipper* for France, to discuss the importation of new French pictures.

ANDREW STONE, Paramount producer, and his assistant, HOLLY MORSE, will arrive from the Coast by plane tomorrow.

GENE TIERNEY will leave the cast of "The Male Animal" next week to start an assignment at the 20th Century-Fox studio.

ROBERT WEITMAN, JACK COHN, ARTHUR SILVERSTONE, HARRY GOLD and JACK GOETZ at Lindy's for lunch yesterday.

HELEN PARRISH, film player, visited with MAYOR F. H. LAGUARDIA yesterday.

BUDD ROGERS has returned from a Coast visit.

Miriam Hopkins Cast

HOLLYWOOD, April 16.—Miriam Hopkins was today set by Warners to co-star with Edward G. Robinson in "This Man Reuter."

Services Are Held For Gabriel Hess

Funeral services for Gabriel L. Hess, general attorney of the M.P.P.D.A., were held at the residence, 33 East 70th Street, yesterday with members of the family and close associates in attendance. Cremation followed the private services.

Among those at the home were: Will H. Hays, C. C. Pettijohn, J. Robert Rubin, Austin C. Keough, Louis Phillips, Louis Niz, Carl E. Milliken, Sidney Braumberg, Leopold Friedman, Robert Perkins, Howard Levinson, Richard E. Dwight, Benjamin Pepper, Adolph Schimel, David Palfreyman, Courtland Smith, Arthur S. Dickinson, Francis Harmon, Walter Trumbull, Roy Norr and Kenneth Clark.

Also, David Decker, J. H. Levin, Edward Sargoy, Joseph Stein, Dirrelle Chaney, Grace Anderson, Elsa Warncke, J. B. McCullough, Harold Groves, Harry Long, Sidney Schreiber, Mrs. T. E. Drazin, George Borthwick, F. W. Du Vall, John Landers, Arthur H. DeBra, Eric Stone, William Mallard and Irving Morross.

To Ask RKO Stock Listing Next Week

An application for listing of the new RKO common and preferred stock on the N. Y. Stock Exchange and the N. Y. Curb Exchange is scheduled to be filed by the company early next week.

The company's report to the Securities & Exchange Commission for approval of the new issues will not be filed until some time next month in order that the company's 1939 audited financial figures may be included.

Delay Pioneer Dinner

Date of the Spring "conference" dinner of Picture Pioneers, organization of 25-year industry veterans, has been changed to May 2, at the Waldorf-Astoria. Originally scheduled for next Friday, the dinner was postponed because a large number of members will be in Dallas for the Variety Club convention at that time.

Writers Sue Warners

Plagiarism suit against Warners has been filed in U. S. District Court by Beatrice M. Gottlieb and Bertrand Robinson. Plaintiffs claim that Warners infringed their play, "It's Your Fault" in the film, "Racket Busters."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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LUXURIOUS SKYSLEEPERS!

Sleep your way over Dixie, plain and desert. Only American flies the smooth, Southern All-Year Route!



Go American

The Southern All-Year Route

Overnight to California

FOUR TRANSCONTINENTAL FLIGHTS DAILY

• It's a delightful night's sleep to California and the Southwest via American Airlines! For reservations, call your Travel Agent or HAVemeyer 6-5000. Ticket offices: 45 Vanderbilt Avenue and Rockefeller Center at 18 West 49th Street.

FREQUENT, CONVENIENT SERVICE TO

Dallas, Ft. Worth, El Paso, Tucson, Phoenix, Los Angeles.

AMERICAN AIRLINES Inc.

ROUTE OF THE FLAGSHIPS



COSTUME BY ADRIAN!

"As long as this baby is at large no actor is safe, especially me in M-G-M's '40 LITTLE MOTHERS'!"

— EDDIE CANTOR

AFTER THE PREVIEW!

"Hollywood Reporter says
you 'stole the show'!"



"The Los Angeles Examiner
says 'it was a tie'."



Everybody says "It will steal
the heart of America!"

"40 LITTLE MOTHERS" IS YOUR NEW M-G-M WOW!

(Flash Reviews by wire from California)

"Nothing could prevent it from being a popular success. Surefire hit!"—**Hollywood Reporter**

"It can't miss!"—**Daily (Coast) Variety**

"Thorough enjoyment."—**Los Angeles Herald and Express**

"It well deserves to score a large hit."—**Los Angeles Times**

"M-G-M has a surefire hit."—**Los Angeles Herald-Examiner**

EDDIE CANTOR in the Story of "FORTY LITTLE MOTHERS" with **JUDITH ANDERSON**
Rita Johnson • Bonita Granville • Ralph Morgan • Diana Lewis • Nydia Westman • Screen Play by
Dorothy Yost and Ernest Pagano • Directed by Busby Berkeley • Produced by Harry Rapf.



John C. Moffitt says:

"THE BIGGEST STUDIOS
HOLLYWOOD WOULD
PROUD TO HAVE IT ON THE
PRODUCTION LIST."

THE KANSAS CITY TIMES.
FRIDAY, APRIL 5, 1940.

Big Premiere Is Major Triumph For a Small Film Company

Success of Showing "The Dark Command" at Lawrence
Justifies Expenditure of Tremendous Effort by Re-
public Pictures, The Star's Film Editor Finds
—High Caliber in All Its Phases.

By JOHN C. MOFFITT.
(The Star's Motion Picture Editor)

LAWRENCE, KAS., April 4.—The eyes of Hollywood were turned on Lawrence tonight to see the climax of a gallant story of infant motion picture company fighting its way up from "poverty row" to claim recognition in a high pressure and ruthlessly competitive industry. The name of the company was Republic Pictures and the production basket in which it had placed most of its assets was "The Dark Command."

One could not say the executives of Republic had placed all of their eggs in one basket for "egg" is a term of derision in the show business and no eggs are laid in this picture.

It and the company came through with colors flying.

Though here on the Missouri-Kansas border where history has its many partisan interpreters there may be some difference of opinion concerning the historic accuracy of the film, there can be little debate over its caliber as a money maker and as a piece of entertainment. Full of action, smartly paced, with many deftly drawn characterizations, the film lacked only technicolor to be the equal of "Dodge City." Its story is better constructed and freer from hokum than that of "Virginia City," touted as the year's most sumptuous western. Theater men from Missouri and Kansas were unanimous in pronouncing it a "showman's picture," which is simply a trade name of a popular success.

Director Not Present.

Unfortunately the man who was responsible for the triumph was not here. This was the director, Raoul Walsh, who in this tale of violence and hard-riding repeats the

success of the "Roaring Twenties" which was one of the big hits of last year. The casting of a new James Cagney film kept him from being in Lawrence.

Probably the most important commercial element in the new film is the emergence of John Wayne as an actor of sureness and character. Mr. Wayne, like Gary Cooper before him, has been known through many films as a good-looking leading man who could ride horseback. As such, he satisfied in "Stage Coach," "The Big Trail" and many other outdoor films. But not until last night at Lawrence had anyone suspected that John Wayne could make his mark as an actor. He portrays a rangy Texan who ambles into pre-Civil war Lawrence amicably ignorant and honestly shrewd. Soon he is running for town marshal, flouting the brilliant schoolteacher Quantrell (or Cantrell, as the picture calls him), and walking up to the bells of the town with the bland announcement that he is going to marry her.

This calls for smooth work as a light comedian. The feminine chuckles that greeted his courtship scenes last night were spontaneous and continuous. They meant that John Wayne has become more than an action star for little boy audiences on Saturday afternoons. The scene of his proposal to Claire Trevor before the Lawrence bank is as good as the celebrated front porch scene between Jim Cagney and Priscilla Lane in "Roaring Twenties" which inspired so much fan mail last summer.

Shows New Quality.

In his handling of the love scenes, Mr. Walsh again shows that he has developed a new quality in his direction that was lacking in his most brilliant successes in the past. "The

Cockeyed World" and "The Big Parade." The tone of his work is still lusty in its humor and swift in its melodrama but he has learned how to temper all this to please the women in his audiences.

Claire Trevor does some laudable tramping as the southern girl who loves the wandering Texan but who is persuaded by Quantrell to become his wife. Her vivacity is particularly commendable when one knows that she suffered an almost fatal illness during the shooting of the film. Porter Hall, an actor Kansas City has been fond of since the days when he used to play the Shubert with Robert Mantel's Shakespearean company, is salty as her father, a Scottish banker with Confederate sympathies.

But the part on which all eyes were focused last night was Walter Pidgeon's characterization of Quantrell. M. G. M., the studio to whom Mr. Pidgeon is under contract, took a big gamble when it lent him to little Republic for a picture. Its courage will be rewarded by having their property increased in value as the part moves the actor another long step toward the first rank of stardom. The Quantrell he portrays is a brilliant man with a restless, driving ambition that must be satisfied.

The criminal strain in his blood is at first very lightly hinted at as he tries to make his way on the frontier by means of education and peaceful arguments. But when the Texan, who can neither read nor write, defeats him in the race for town marshal, he throws learning to the flames and becomes a blood drunk egotist. It is an interpretation that might easily have gone "hammy" but the actor keeps his character on the border line between sanity and brilliance so skillfully that he always is plausible and even wryly sympathetic.

The sweeping night shots of him leading his guerrilla band down on Lawrence are thrillingly photographed as is the battle that precedes the burning of the town. Departing from history, the movie lets the Texan rally the townsmen to their own defense, which may pain the historical societies but which will produce much more whistling in the gallery. The fire is spectacular, particularly the shots of the guerrilla's driving a flaming wagon pell-mell into the barricades of the defenders.

Scene Brings Gasps.

Another shot that brings gasps

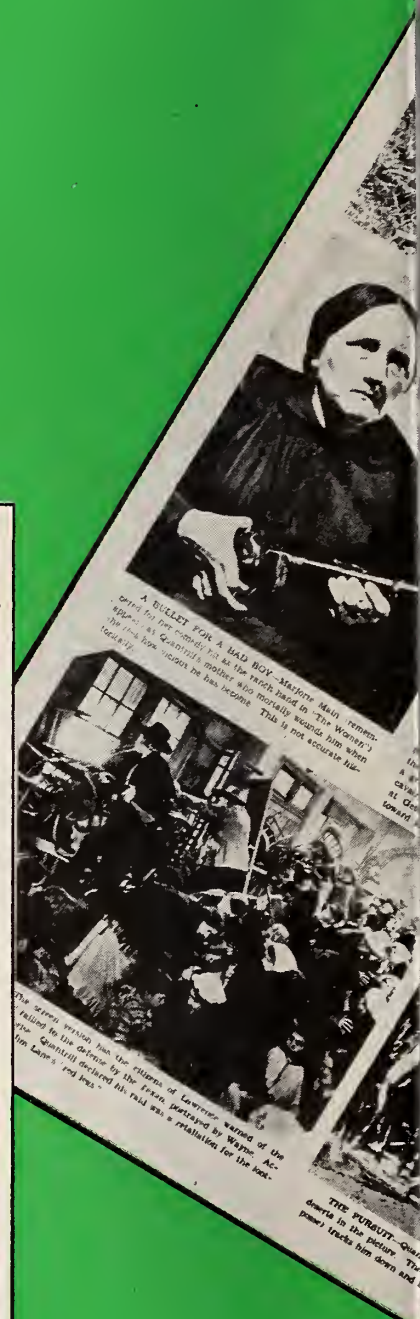
from the audience is one in which Quantrell's victims in their flight to escape him drive a wagon and a team of horses off a high cliff into the river. The cliff is higher than any around here but it makes for thrills. Mr. Walsh, remembering the criticism launched against "Jesse James," is careful to place his cameras in a way that proves the horses were uninjured. Trick diving horses from a circus were used in making the shot.

George "Gabby" Hayes, the be-whiskered old-timer who proved his popularity every time he stepped in front of a Lawrence crowd yesterday has a diverting comedy part as Wayne's pal, a backwoods dentist and barber who seems in need of all his own services. He was a great favorite with the customers at all three of the theaters where the picture showed. Roy Rogers, the singing cowboy appears as Miss Trevor's brother and does a smooth job, though his fans among the high school girls wished he'd been given a chance to warble a few notes. The only bad performance is Raymond Walburn's portrayal of a pompous town politician. This, with its hennings and hawing, is exactly like every other part Mr. Walburn has played on the screen.

The battle scenes are crowded and the settings are first class. There's nothing cheap about the film. The biggest studios in Hollywood would be proud to have it on their production list.

Before concluding the review, it might not be amiss to say a word about the city of Lawrence. This reviewer has attended a number of movie premieres, including the one staged for "Man About Town," at Waukegan, Ill., last summer and the celebrated "Gone With the Wind" opening at Atlanta.


Not one of them has been handled as smoothly, as efficiently, or as entertainingly as the one that Lawrence staged today. It was an elaborate affair embracing a parade, a ball and a pageant in which buildings were burned and horses charged through smoke and flame. Yet there was no confusion and no hard feelings. The stars were examined by thronging thousands but there was no sign of bad taste or the snatching of buttons and jewelry by souvenir hunters. The stars were much impressed. They came to Lawrence to advertise Hollywood. But they'll go back to Hollywood advertising Lawrence—for a good time and a job well done.



AS
SUNDAY, APRIL 7, 1940.
rence Scre

[illegible]

...the original attack pie
...since the Civil war
...father and brothers
...these brothers
...footing in the bor
...surviving veterans
...after Quantrell
...Quantrell
J. C. ...



THE BORDER CHIEFTAIN—Walter Padgug as Quaker is seen wearing the uniform of a Confederate colonel before orders for the attack on Lawrence. Witnesses said "butternut," a sort of homespun suit, in the early

RAOUL WALSH—DIRECTOR

with

ROY ROGERS • GEORGE HAYES • PORTER HALL
MARJORIE MAIN • RAYMOND WALBURN

A Republic
PICTURE

U.S. to Subpoena Coast Executives For Trust Trial

(Continued from page 1)

poenas upon all witnesses except Richards under the order.

Richards, the only witness residing outside of Los Angeles, is located in New Orleans, Williams stated.

The Government also yesterday filed a 195-page supplemental bill of particulars in its anti-trust suit against the majors in which it listed detailed information as to alleged acts.

Instances of alleged monopoly in distribution of first run films covered 289 witnesses. Additional witnesses in the exhibition field named by the Government were Ed. A. Cerf, Columbus, Ga.; C. C. Dunsmoor, Marshalltown, Iowa; Eli E. Seff, Rapid City, So. Dakota; J. Tom Arthur, Mason City, Iowa; W. B. McDonald, Olympia, Wash.; Henry Friedman, Lansdowne, Pa.; and Robert H. Hexter, Philadelphia, Pa.

Sol Lesser Included

In addition, the bill named 28 witnesses in the production field, five of whom had not been previously identified. These were Sol Lesser of Principal Artists Productions; Richard Rowland of General Service Studios, Inc.; Spencer Bennet of Monogram; Toby Anguish and B. Reaves Eason. The Government stated that it had obtained the names of 132 witnesses to forced block booking. It also listed 82 witnesses who will claim that their requests for specific film runs were arbitrarily rejected by major distributors.

RKO served notice yesterday on the Government that it will take the pre-trial oral examination of four Government witnesses who have charged RKO with discriminatory practices.

The notice specifies that the examinations are to take place in the office of William Zimmerman, RKO attorney, in the RKO Building. Government witnesses named, all New Jersey exhibitors, were James Binkov, Union City; James C. Forgione, Metuchen; A. Bannon, Newark and Howard Lesser, Paterson.

Binkov is to be examined April 22; Forgione, April 24; Bannon, April 26; and Lesser, April 29.

20th-Fox Men Testify

William Kupper, William Sussman and William Gehring, Western, Eastern and Central division managers of 20th Century-Fox, testified yesterday in pre-trial examinations in the Government anti-trust suit. Special Assistant Attorney General Robert L. Wright confined his questioning to first run sales in the 36 key cities listed by the Government.

Joseph Bernhard, head of Warner theatres, will take the stand today to be followed tomorrow by Sidney R. Kent, president of Twentieth Century-Fox. George J. Schaefer will testify on Friday.

Thurman W. Arnold, anti-trust division chief, personally will oppose the attempt of the major defendants in the Government suit to obtain an adjournment of trial to June 1, it was revealed yesterday. Arnold, in his first appearance in the suit, is expected to charge the majors with tactics designed to indefinitely delay trial during argument before Federal Judge John C. Knox on Friday at a closed hearing.

World's Fair Talent Strike Is Settled

Settlement of the strike by Actors Equity at the "American Jubilee" production of the New York World's Fair was announced yesterday by Mayor LaGuardia. The settlement provides for minimums of \$40 weekly for chorus people for 23 shows weekly, with an additional dollar per show up to a maximum of 28 shows per week. At the same time, seven other unions agreed with the Fair not to strike on the production. These unions include all actor unions, musicians, teamsters, studio technicians, cameramen, projectionists and stagehands.

Three Companies in 16mm. Machine Field

HOLLYWOOD, April 16.—At least three companies shortly will be making miniature subjects for 16mm. coin operated projection machines.

One producer, Neil McGuire, has already made three five-minute subjects for Phono Films Productions, which has an experimental machine installed in a Los Angeles cafe.

Phonovision Corp. of America, headed by Frank Orsatti, Sam Sax and David Friedman, this week announced plans to call for bids for the manufacture of projectors from patents held by Friedman. Sax formerly was a Warner production executive. Meanwhile, Globe Productions, headed by James Roosevelt, has cleared its path for centering activities on 16mm. production for Mills Novelty Co. machines by shifting its feature production for United Artists release to Samuel Bronston Productions.

Fortrade, Importing Company, Is Formed

Fortrade Corp. of America, new distribution firm, has been formed here, according to Eugene Scharin, executive vice-president, with capital of \$100,000. Marcel Robich and Mirko R. Boyan head the company. Headquarters are in the RCA Building.

The company plans the importation of films from France and the Balkan countries, with 20 French films reported ready for the coming season. Scharin formerly was with RKO and 20th Century-Fox in Europe, and recently formed Transatlantic Distributing Co. He left over the weekend for the Coast, to negotiate remake rights.

Fights 'Cargo' Ban

PROVIDENCE, April 16.—Antonio A. Romano, manager of Associated Theatres here, today requested a hearing from the Bureau of Police and Fire to protest the ban of "Strange Cargo" which has been refused licenses for second runs. The Bureau indicated it would hear Romano's protest Thursday.

Ziegfeld Party Held

Ben Bernie was guest of honor yesterday at a cocktail party by the Ziegfeld Club, Inc., at Colbert's, 12 East 49th St. Bernie and his orchestra will provide the music at the club's fifth annual ball to be held at the Waldorf-Astoria April 27.

Zanuck Voted New Contract, Option

(Continued from page 1)

old Lang, George F. Wasson, Jr.; assistant treasurer, Read B. Simonson.

Directors reelected include: H. Donald Campbell, John R. Dillon, Daniel O. Hastings, William P. Phillips, Hermann G. Place, Seton Porter, Schenck, Kent, Michel, Jenkins, Towell and Eadie.

The Zanuck contract and option agreement were approved by 1,718,649 shares of common and preferred stock against a dissenting vote of 32,174 shares. Michel presided at the meeting, at which a total of 1,872,455 shares were represented.

Kent described Zanuck as the company's "most valuable asset," and said that in the four and a half years since Zanuck became production chief the company has earned more than \$26,000,000 in profits, not including \$3,906,000 dividends from National Theatres. This, he said, compares with a loss of \$6,511,000 during the previous similar period before the merger of Fox Film and 20th Century.

Among those who protested the Zanuck contract and stock option was Milton R. Weinberger, attorney for the Shuberts. Former U. S. Senator Daniel O. Hastings of Delaware spoke in support of the proposals.

Answers Filed in Philadelphia Suit

PHILADELPHIA, April 16.—All major defendants, except the Stanley Warner Theatre Corp., in an anti-trust suit started last month by David Milgrim, head of Affiliated Theatres, an independent circuit here, filed answers in the U. S. District Court. They denied charges of monopoly and of a conspiracy to change the zoning of territories to the disadvantage of Milgrim.

Cantor Film Opening On East Side Tonight

"Forty Little Mothers," Eddie Cantor film for M-G-M, will have its premiere tonight at Loew's Canal, on the lower East Side, following a "welcome home" day of festivities in honor of the comedian.

The film will open for a regular run at the Capitol on Broadway tomorrow, with Cantor and George Jessel making personal appearances.

Lab Delegates Named

Laboratory Technicians Union, Local 702, has elected 11 delegates to the I.A.T.S.E. convention in Louisville, in June. The delegates named were John Rugge, president; William Vermont, secretary; Michael Davidson, Lloyd Frank, John Francavilla, Rose Vanoli, Vera Dorey, Mort Bloom, William Schwab, Joseph Mitchell and Michael Marotta.

Circuit Head Injured

HARRISBURG, Pa., April 16.—Anast N. Notopoulos, owner of a circuit in Altoona and vicinity; his wife, and their chauffeur, John Bolyar, were injured today in a crash involving five cars near here. No one was injured seriously. The couple were en route to New York when the accident occurred. Both left the Polyclinic Hospital here late today.

'Virginia City' Pulls \$16,900 In Twin Cities

MINNEAPOLIS, April 16.—"Virginia City" was an easy box-office leader in the Twin Cities, getting \$10,400 at the State, and moving to the Century for a second week.

In St. Paul, "Virginia City" was again the box-office leader, getting \$6,500 at the Paramount.

Estimated takings for last week:

Minneapolis:

"Invisible Man Returns" (Univ.)
"Marines Fly High" (RKO)
ASTER—(900) (15c-25c) 10 days. Gross: \$3,700. (Average, \$1,800)
"The Road to Singapore" (Para.)
CENTURY—(1,600) (25c-40c) 7 days, 3rd week. Gross: \$4,700. (Average, \$4,000)
"Birth of a Nation"
ESQUIRE—(290) (25c-40c) "Birth," 6 days. Gross: \$1,400. (Average, \$1,000)
"Congo Maisie" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: \$3,900. (Average, \$2,500)
"Pinocchio" (RKO)
ORPHEUM—(2,900) (25c-40c) 7 days, 2nd week. Gross: \$4,900. (Average, \$5,500)
"Virginia City" (W. B.)
STATE—(2,300) (25c-40c) 7 days. Gross: \$10,400. (Average, \$5,500)
"Sidewalks of London" (Para.)
WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: \$1,800. (Average, \$1,600)

St. Paul:

"Pinocchio" (RKO)
ORPHEUM—(2,000) (25c-40c) (7 days. Gross: \$3,100. (Average, \$4,000)
"Virginia City" (W. B.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$6,500. (Average, \$4,500)
"Earl of Chicago" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,500. (Average, \$1,800)
"Tower of London" (Univ.)
"Granny, Get Your Gun" (W. B.)
TOWER—(1,000) (25c) 7 days. Gross: \$2,400. (Average, \$1,800)
"Sidewalks of London" (Para.)
WORLD—(400) (25c-55c) 2nd week. Gross: \$1,100. (Average, \$1,000)

'Primrose' Strong \$7,100, Kansas City

KANSAS CITY, April 16.—"Primrose Path" with "Danger on Wheels" took \$7,100 at the Orpheum. Orson Welles and Jeanette MacDonald were the big competitors, plus the Walkathon, which opened at the Pla-Mor for a 12-week run.

Estimated takings for the week ending April 9-11:

"Star Dust" (20th-Fox)
ESQUIRE—(800) (25c-40c) 6 days. Gross: \$2,000. (Average, 6 days, \$2,100)
"Young Tom Edison" (M-G-M)
"Men Without Souls" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$8,200. (Average, \$9,500)
"Road to Singapore" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 3rd week. Gross: \$5,100. (Average, \$7,000)
"Primrose Path" (RKO)
"Danger on Wheels" (Univ.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: \$7,100. (Average, \$5,000)
"Ma, He's Making Eyes At Me" (Univ.)
TOWER—(2,200) (25c) 7 days. Stage: Coleman Clark & Co., Three Mack Bros., Stone & Barton. Gross: \$6,200. (Average, \$6,000)
"Star Dust" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 6 days. Gross: \$2,900. (Average, 6 days, \$3,000)

Bacon Replaces Howard

HOLLYWOOD, April 16.—Lloyd Bacon today replaced William K. Howard as director on Warner's "The Life of Knute Rockne." Howard and Warner executives differed on treatment of the story.

4th WEEK

at Radio City Music Hall

for

David O. Selznick's

REBECCA

In announcing the fourth week, W. G. Van Schmus, Managing Director of Radio City Music Hall, stated:

"Two hundred and sixty pictures have been presented in more than seven years of the theatre's existence. 'Rebecca' is the second picture to run a fourth week. The engagement of 'Rebecca', since its opening day and continuing on throughout its run, has proved to be highly gratifying. We welcome this latest of the David O. Selznick productions. Past performances have shown, as 'Rebecca' now further proves, that the Selznick name on a motion picture is an assurance of success. Indications are that at the conclusion of the third week on Wednesday evening, 'Rebecca' will have grossed in excess of \$310,000, and an audience of more than 450,000 will have seen 'Rebecca'!"

RELEASED THRU UNITED ARTISTS

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 77

NEW YORK, U. S. A., THURSDAY, APRIL 18, 1940

TEN CENTS

Anti-Trust Suit Against F.W.C. Being Settled

**But U. S. Says This Will
Not Bar Prosecutions**

LOS ANGELES, April 17.—An out-of-court settlement of the \$1,200,000 anti-trust suit against Fox West Coast and several distributors by the Colcata Corp., operator of Pasadena's largest theatre, the Colorado, is being negotiated, it was disclosed today when the plaintiff sought postponement of the trial to Nov. 6. Trial was to have begun here next Tuesday.

The anticipated settlement will have no bearing on the Government's citation against Fox West Coast for violation of consent decrees, according to Albert J. Law, assistant U. S. Attorney General, who prepared the Government's case. Law said that, while this was an important phase of the consent decree complaint, remedying of the violations, if they existed, would not bar pressing of the prosecution.

Burnett Wolfson, attorney for Colcata, which is headed by Lou Bard, told Federal Judge William P. James that settlement negotiations are proceeding satisfactorily in the damage

(Continued on page 4)

DuMont May Get 25% of Majestic

Allen B. DuMont Laboratories is given the opportunity to acquire a 25 per cent interest in Majestic Radio & Television Corp. under the reorganization plan for that company filed in the U. S. District court in Chicago this week.

The plan grants DuMont an out-right option to acquire 100,000 shares of the new company's stock. In addition, DuMont and Automatic Products Corp., the largest Majestic creditor, will underwrite an offering of new Majestic stock to that company's present stockholders. DuMont will have the right to purchase all unsubscribed shares of this offering. The maximum number of shares which DuMont could acquire through these means would represent 25 per cent of the new Majestic stock to be issued.

The plan, if approved, also would authorize DuMont, an affiliate of Paramount, to name the new management of reorganized Majestic.

DuMont's principal interest in the Majestic situation is the television patents and licenses held by the company.

Use of Television In Film Promotion Is Seen by Joyce

PHILADELPHIA, April 17.—Television as a medium of promotion and exploitation for motion pictures was envisioned by Thomas F. Joyce, vice-president of RCA Manufacturing Co. in charge of the television sales department, in a speech before the annual luncheon of the Philadelphia Motion Picture Preview Study Group today.

"The most valuable medium of promotion and exploitation for motion pictures," said Joyce, "could be a television camera on the studio lot to broadcast views from Hollywood production on the actual set and sponsoring televised previews of coming attractions in theatres in every city."

RCA plans to demonstrate its large screen television receiver for theatre use sometime this Summer, Joyce said. The screen will be nine by 12 feet. Joyce pointed to the use by film houses of special telecasts of big baseball, racing and boxing events as added attractions at the box-office. He said that such telecasts could be wired and would not be available to home set owners.

Mrs. Eleanor Roosevelt, wife of the President, was a surprise guest at the luncheon. She called on the industry to give glamor to the "better things" in pictures just as it does for the gangster and the chorus girl. She denied that crime or murder pictures are doing any harm, and said that the impressions created are shed at the door of the theatre.

New Threat Looms From 'Pot o' Gold'

Extended competition for film houses looms after April 30, when the Tums' "Pot o' Gold" radio show will be altered to make everyone eligible for prizes in the weekly \$1,000 giveaway. At present, only telephone owners can win the prize.

The agency handling the show did not reveal how the new setup would be handled but stated that the telephone call would be continued as part of the show.

The Department of Justice ruled several days ago that the program does not violate the lottery laws.

W.B. Theatre Buys Differ—Bernhard

The Government's efforts to prove that affiliated circuits have divided theatre territory among them struck a stone wall again yesterday when Joseph Bernhard, general manager of Warner Theatres, at a pre-trial examination in the anti-trust suit, denied the existence of a uniform policy to acquire theatres.

Sidney R. Kent, president of 20th Century-Fox, will testify today and George J. Schaefer, RKO president, will follow him tomorrow.

Bernhard declared that Warners were governed by whether a deal would be profitable in each isolated

(Continued on page 5)

Variety Club Convention Opening in Dallas Today

DALLAS, April 17.—The three-day annual national convention of Variety Clubs will open here tomorrow with an indicated attendance of 500 film and theatre men.

The Variety Club special train of 33 coaches, which originated in Boston and picked up delegates and convention visitors all along the route, will arrive here early tomorrow morning, as will smaller specials from Denver and Kansas City. Two chartered planes from the Coast and one from New York also are scheduled to arrive Thursday. In addition, motorcades are en route from several South ern cities.

Welcoming committees will greet each of the several classifications of industry groups as they arrive. Lloyd Rust is the official "welcomer" for circuit executives; J. B. Underwood

for distribution executives; William O'Donnell for producers and directors; Jake Lutzer for film stars; John Franconi for state and Government officials, and Ray Beall, Jack Chalman and Charles Meeker for the trade press.

On the convention executive committee are: R. J. O'Donnell, chairman; Paul Short and John Adams, vice-chairmen, Hugh Braly, T. R. Clemmons, H. A. Cole, Julius M. Gordon, R. E. Griffith, Henry Hall, John H. Harris, Karl Hoblitzelle, Fred Jack, H. S. Leon, J. G. Long, R. I. Payne, Jack Pickens, Mike Rice, Harold Robb, Ed Rowley, Lloyd Rust, Lee Threet, Jack Underwood, W. G. Underwood and Wallace Walthall.

The following are chairmen of convention committees: E. J. Solon,

(Continued on page 5)

U.S. Settlement Efforts Seen At Standstill

**One Company Persists
In Decree Talks**

Major companies with a single exception have virtually abandoned hope of an agreement on an out-of-court settlement of the Government's New York anti-trust suit, it was learned yesterday.

Rumored in New York last week that the negotiations for a consent decree had been abandoned, Washington responded with a denial and asserted that discussions had been held as recently as last Wednesday. However, it has been ascertained that, with the exception of one company, there has been no contact for more than a week between industry representatives and Washington officials in connection with the proposed settlement.

One major company, regarded as a prime mover in the settlement efforts, is reported to have "lost interest" recently since receiving a report on the proposed settlement from its chief counsel, an attorney who, incidentally, is regarded as one of the top ranking anti-trust lawyers in the country. The report, made at the request of the company, is said to have strongly advised against a settlement and ad-

(Continued on page 4)

Delay Appointment Of Hess Successor

No immediate decision on a successor to Gabriel L. Hess as M.P.P.D.A. general attorney is likely to be made, it was learned yesterday.

Meanwhile, Sidney Schreiber and Mrs. T. E. Drazin, who have been assistants to Hess for many years, will handle the legal affairs of the office.

Will H. Hays, M.P.P.D.A. president, will confer with general counsel of member companies of the Hays organization before naming a successor.

B. & K. Gets 'Wind' In Neighborhoods

CHICAGO, April 17.—Three B. & K. neighborhood theatres, the Rivoli, State and Tower, will play "Gone With the Wind" following its loop run at the Oriental and Woods.

The deal was agreed upon orally today but will not be closed until the date for the picture's withdrawal from the Loop is known. According to present indications, it will remain

(Continued on page 4)

◀ Purely Personal ▶

IRVING MAAS, foreign service manager for 20th Century-Fox, leaves this weekend for Havana to attend the company's Central American sales convention.

CHARLES E. MCCARTHY, WILLIAM A. SCULLY, ADOLPH ZUKOR, SAM SHAIN, OWEN DAVIS, JOHN HICKS, TOM CONNORS, TED O'SHEA and MAX DREYFUS at Nick's Hunting Room in the Astor for lunch yesterday.

SAM CLARK, Warners' field exploitation representative out of the Los Angeles exchange, is recovering from pneumonia at the Cedars of Lebanon Hospital in Hollywood.

LOU GINSBERG, United Artists New Haven salesman, will be married to RITA BAUM of Bridgeport, Conn., at the St. Moritz Hotel here on Sunday.

DAN MICHALOVE, FREDERIC LONSDALE, WILLIAM P. MONTAGUE, JR., ALBERT RICHARD and JOHN GOLDEN at Sardi's for lunch yesterday.

AL DAVIS, ad sales manager at the New Haven M-G-M exchange, will be married to HELEN POLLOCK of New Haven on Saturday.

SAM and JAKE FLAX, Republic franchise holders in Washington, were in town yesterday for conferences with J. R. GRAINGER, president.

HARRY GOETZ, SAM CITRON, BUDD ROGERS, TOM LOACH and BERT MAYER lunching at Bob Goldstein's Tavern yesterday.

REGINA CREWE, publicist, has returned from the Coast to her headquarters here.

Brown Confirmed as Educational Trustee

Appointment of William S. Brown as trustee of Educational Films Corp. of America was upheld yesterday by Federal Judge Henry W. Goddard in a decision from the bench. Judge Goddard turned down an application of a number of creditors to remove Brown on the ground that his nomination by Referee John E. Joyce was improper. Hearing on petition to remove James A. Davidson as trustee of Educational Pictures was postponed to April 24.

East Side Extends Big Hand to Cantor

New York's lower East Side turned out in force yesterday to greet its favorite son, Eddie Cantor, on the occasion of his "homecoming." Thousands of residents in the district paid tribute to the comedian.

Cantor's first M-G-M film, "40 Little Mothers," was shown at Loew's Canal Theatre last night with proceeds donated to neighborhood settlement houses. A luncheon in honor of Cantor at the Broadway Mansion was attended by civic leaders. Speakers included Robert Weisberger, George Jessel, Al Smith, Jr., Cantor, and his wife, Ida.

Other festivities included the unveiling of a tablet on the site of Cantor's birthplace, a flag raising ceremony at the Riis Settlement House and a greeting by "40 little mothers."

A parade in the late afternoon and additional ceremonies at the theatre climaxed the celebration.

Associates Stress Necessity of Funds

The need of funds to carry on the charitable work of the Motion Picture Associates in the industry was stressed at a luncheon of the organization at the Astor yesterday. Chief speakers were Sam Rinzler of Randforce and Max A. Cohen, head of Cinema Circuit, who suggested industry executives be informed of the need. The organization is seeking advertisements for the annual journal.

Rinzler, head of the Randforce Circuit, pointed out that the Associates is the only charitable organization in New York wholly within the industry. Jack Ellis, president, who presided, declared the organization is doing more to aid the needy now than ever before. Other speakers were Harold Rodner, Moe Streimer, Harry Buxbaum and Arthur Treacher. Irving Gottlieb and Max Goldbaum were voted to membership.

Columbia Managers To Meet in Atlanta

A meeting of branch managers of Columbia's Southern sales division under Sam Moscow will be held at the Ainsley Hotel, Atlanta, on Monday, to plan a campaign for the final weeks of the Abe Montague 15th anniversary sales drive.

In addition to Moscow, the following will attend: W. W. Anderson, Atlanta; R. J. Ingram, Charlotte; J. B. Underwood, Dallas; J. J. Rogers, Memphis; C. A. Gibbs, Oklahoma City, and H. Duvall, New Orleans.

Sign Constance Bennett

HOLLYWOOD, April 17.—Constance Bennett has been signed to a long term contract by Columbia.

Plan Dual Premiere For 'Lillian Russell'

"Lillian Russell" will be given a double premiere by 20th Century-Fox May 15 at the Capitol, Clinton, Ia., and the Alvin, Pittsburgh. Both openings will be attended by newspaper writers from surrounding areas. The film will open at the Roxy, here, May 17.

Clinton is the birthplace of the famous actress and she spent the last years of her life in Pittsburgh.

Name Foreign Men To RKO's Meeting

Phil Reisman, general foreign manager of RKO, has named the representatives of his department who will attend the company's annual sales convention at the Waldorf-Astoria Hotel here, May 27-30. The group will include: Reginald Armour, general European manager; Gus Schaefer, district manager for Caribbean countries; Max Gomez, manager for Mexico; F. S. Gulbransen, manager for Panama; Pedro Saenz, manager for Cuba and Ned Seckler, home office representative. Nick Ermolieff, foreign department representative of the studios, will come from Hollywood.

The home office foreign force who will attend includes: Ben Y. Cammack, R. K. Hawkinson, B. D. Lion, M. Hoffay, Alfred Frank, Harry Ehrreich, Eddie Ugast and Arthur Rossum.

Board to Consider Schenck Pact Soon

A new five-year employment contract for Joseph M. Schenck, chairman of the board of directors of 20th Century-Fox, will be acted upon by the directorate in the near future. The annual stockholders' meeting on Tuesday took no action on the contract.

Schenck's proposed new contract will be for an additional five-year period, to end in 1947, and provides for a continuation of his present salary. The board chairman draws \$113,833 a year.

Postpone U. A. Meeting

Meeting of the board of United Artists, scheduled for yesterday, was postponed for one week due to the lack of a quorum. Emanuel Silverstone, board representative for Alexander Korda, and James Mulvey, Samuel Goldwyn's representative, are away from the city but are expected back within a week.

Raise \$108,011 in Drive

HOLLYWOOD, April 17.—California theatres raised \$108,011.90 in the 1940 infantile paralysis drive, it was reported to Joseph M. Schenck, vice-president of the National Foundation for Infantile Paralysis, and California chairman.

Weshner Wins Contest

PHILADELPHIA, April 17.—The Fifth Annual Manager's Parade, a contest sponsored by the Warner Theatres in this territory, has been won by Dave Weshner's district. Managers share a \$1,000 award.

Broadway Parade To Publicize Fair

Representing various theatres, hotels and night clubs, the Broadway Association of Commerce will sponsor a parade of screen, stage and radio personalities tomorrow in a promotion stunt for the reopening of the Fair.

Designed to stress the attractions in the theatrical district to visitors, the march will start at Columbus Circle down Broadway to 40th St. and then back to Duffy Square on Seventh Avenue. It starts at 12:30 P.M.

Fifty automobiles will carry the stage and film personalities, who will include Jack Benny and Roxy, Lupe Velez, Ed Sullivan, Jack Haley, Eddie Cantor, George Jessel, Red Skelton, and others. NBC will cover the event by television and radio networks and newsreels will cover. Former Mayor James J. Walker will be grand marshal.

Gene Murphy of Loew's is chairman of the committee, working with Howard Bright, chairman of the association. Ben Serkovich of the Capitol is in charge of publicity.

Joseph O'Neill Dies; Warners' Publicist

HOLLYWOOD, April 17.—Joseph Jefferson O'Neill, member of the Warner studio publicity department and famous ex-newspaperman, died following a heart attack this morning at the Virginia Sanitarium. The funeral will be held Friday.

Following a long and successful career as a leading reporter, O'Neill did public relations work for Henry Ford and then for the M.P.P.D.A. Joseph P. Kennedy, now U.S. Ambassador to England, brought O'Neill here when Kennedy headed F.B.O. He worked on several scripts and joined Warners five years ago.

State Court Denies Bioff Plea for Writ

SPRINGFIELD, Ill., April 17.—William Bioff, Coast I.A.T.S.E. leader, today lost in a third attempt for freedom pending the State Supreme Court's review of the 18-year-old Chicago sentence for which he is now in prison.

The Supreme Court today refused to hear a petition for leave to file a motion for a writ of habeas corpus, which would have permitted his freedom on bail. Still pending are his appeal to the state Pardon Board and the appeal for review by the state court.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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"VERY GOOD EDDIE!"



Wisdom from the babe of M-G-M's "40 Little Mothers"!

THE WINNER AND NEW BOX-OFFICE CHAMPION!



We wouldn't know the kind of mathematics they teach at Harvard . . . but our simple $2+2=4$ arithmetic shows that Annie's doing all right for herself . . . and for 247 happy showmen! Man, how it all came true!

Pardon us for perverting:

to NEW YORK
And that holdover business!

to MEMPHIS
Better than 'Four Wives'!

to SAN FRANCISCO
'Dust Be My Destiny' topped!

to NEWARK
Within \$100 of 'Virginia City'!

to SEATTLE
'Daughters Courageous' outdistanced!

to PITTSBURGH
Right up to 'Dark Victory'!

WARNERS for Showmanship!

ANN Sheridan

in Louis ('Rains Came') Bromfield's

"It All Came True"

with

JEFFREY LYNN • HUMPHREY BOGART

ZASU PITTS • UNA O'CONNOR • JESSIE BUSLEY • JOHN LITEL

Directed by Lewis Seiler

Screen Play by Michael Fessier and Lawrence Kimble • A Warner Bros. • First Nat. Picture

33 Pictures Now in Work On the Coast

HOLLYWOOD, April 17.—Thirty-three pictures were before the cameras this week, as 13 started and eight finished. Thirty-three were being prepared, and 58 were in the cutting rooms.

The tally by studios:

Columbia

Finished: "The Lone Wolf Meets a Lady."

In Work: "Babies for Sale," "Arizona."

Started: "Block K Rides Tonight," "The Howards of Virginia."

M-G-M

Finished: "Pride and Prejudice."

In Work: "The Mortal Storm," "Susan and God," "Boom Town."

Started: "Phantom Raider."

Paramount

In Work: "North West Mounted Police," "I Want a Divorce."

Sigmund Neufeld

Started: "I Take This Oath."

RKO

Finished: "The Villain Still Pursued Her."

In Work: "Tom Brown's School Days," "Anne of Windy Poplars."

Started: "Prairie Law," "Lucky Partners," "Thousand Dollar Marriage."

Republic

Finished: "Gaucho Serenade," "Gangs of Chicago."

In Work: "Doctors Don't Tell."

Started: "Wagons Westward."

Edward Small

In Work: "South of Pago Pago."

20th Century-Fox

Finished: "Rain or Shine."

In Work: "The Young People," "Four Sons."

Started: "The Brat," "Public Deb No. 1."

Universal

In Work: "South of Karanga," "Bad Man from Red Butte," "No Exit."

Started: "Boys from Syracuse," "One of the Boston Bullertons," "You're Not So Tough."

Wanger

In Work: "Foreign Correspondent" (formerly "Personal History").

Warners

Finished: "Torrid Zone," "Brother Orchid."

In Work: "The Sea Hawk," "All This and Heaven, Too," "The Life of Knute Rockne."

Ampa Board Meeting

The board of directors of Ampa will meet today at the Tavern, and the regular weekly luncheon meeting in consequence will not be held this week. Membership luncheon meetings will resume next Thursday at Dempsey's Restaurant. Routine matters are expected to be discussed by the board today.

'Dilemma' at 55th St.

Premiere of "The Mayor's Dilemma," French Film, will be held April 22 at the 55th St. Playhouse following the nine-week run of "The Human Beast."

Hollywood Previews

"Grandpa Goes to Town"

(Republic)

HOLLYWOOD, April 17.—Sixth of the Higgins Family series from Republic, "Grandpa Goes to Town" has, in addition to the Gleasons, Jimmie, Lucile and Russell, and the other "regulars" in the cast, the added attraction of Arturo Godoy, South American heavyweight boxing champion and one of the fighters who managed to stay 15 rounds with Joe Louis. In this, Godoy dances with his pretty wife, Ledda, engages in a three-round match with Slapsie Maxie Rosenbloom and exhibits his famous "crouch."

In addition to the Gleasons and Harry Davenport, Lois Ranson and Tommy Ryan, "regulars" of the Higgins family series, the cast includes Noah Beery, Douglas Meins, Garry Owen, Ray Turner, Lee "Lasses" White, Walter Miller, Emmett Lynn and Joe Cairns.

In this comedy, the Higginses sell their home and buy, sight unseen, a western hotel which turns out to be in a ghost town. When one member of the family mistakes two actors of a film troupe for gold miners, the family unwittingly spreads the word and a gold rush is on. Threatened by lynching when no gold is discovered, Davenport as "Grandpa" salts a mine. Gold is found, however, but gangsters attempt to seize control. "Grandpa" saves the day in a hilarious finish which has Indian actors of the film troupe participating. Three musical numbers are interspersed in the footage.

Associated producer Gus Meins directed from an original screenplay by Jack Townley.

Running time, 62 minutes. "G."*

VANCE KING

"Mr. Washington Goes to Town"

(Jed Buell)

HOLLYWOOD, April 17.—Previewed at the Lincoln in the heart of Los Angeles' colored population center, this comedy, produced and directed by Jed Buell with an all-colored cast, had the paying customers screaming before it was a minute in progress and kept them pretty much that way until it ended. Producer Buell describes it as "the first straight Sennett type comedy made with colored comedians" and the reaction of the preview audience, inclusive of the white representative of the press assembled to observe, was hilarious.

F. B. Miller and Mantan Moreland, featured in the same producer's "Harlem on the Prairie," are the co-stars of this production. The film opens with them in jail, discussing inheritance of a Grand Hotel Ethiopia and mortgage, then moves into the hotel where a sequence of events reminiscent of oldtime medicine-show acts, but modernized and varied with modern dialogue lines keeps action moving in high gear. Walter Weems is credited with the original story, Weems and Lex Hall with the screenplay.

Although principal market sought for the attraction is the South and those theatres elsewhere which draw colored patronage, press people attending the preview were agreeing in after-showing comment that the film is funny enough and novel enough to deliver an equivalent entertainment job just about anywhere.

Running time, 55 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

B. & K. Gets 'Wind' In Neighborhoods

(Continued from page 1)

another three weeks at the Loop houses.

Edward M. Saunders, M-G-M western sales manager, conferred with B. & K. officials here on the deal.

Harry Brandt's second runs in New Rochelle and White Plains have booked "Gone With the Wind" for early engagement. Bookings for Brandt houses in New York have not been set yet and may depend upon the outcome of negotiations with several prior run circuits.

Building Louisiana House

LAKE CHARLES, LA., April 17.—Southern Amusement Co. plans a new theatre at Westlake, to cost \$10,000.

Set Long Pittsburgh Legitimate Season

PITTSBURGH, April 17.—The longest legitimate season in years was assured this week when Harry Brown, Nixon manager, announced the booking of a road company of "Margin for Error" for April 22, featuring Bert Lytell. Scheduled is George M. Cohan in "Return of the Vagabond" for the week of May 6.

Set Beauty Pageant

PITTSBURGH, April 17.—Plans will get under way May 22 in Atlantic City for the annual "Miss America" beauty pageant, according to Director George Tyson. He will take a four-months leave of absence from his post as Harris Amusement Co. publicity director, effective May 15, to take over the pageant position.

U.S. Settlement Efforts Seen At Standstill

(Continued from page 1)

vanced the opinion that the Government stands virtually no chance of winning on any major phase of the suit.

The report, while not conclusively determining the company's status, is described as having impressed the top executives of the company "very much," and has had the effect, at least, of transforming this company's interest in the settlement negotiations from an active to a passive one.

Major company attorneys reacted favorably to the Government's additional bill of particulars given to the defendants on Tuesday. While no decision has been made yet, it appears unlikely that defendants will return to Federal Judge Henry W. Goddard with pleas for any additional information.

Some of the attorneys were amused by the fact that the Government included in its new bill of particulars, the almost wholly favorable observations on industry operations by Sol Lesser and Richard A. Rowland. The only criticism in their testimony, which the Government apparently hopes to use to help prove its case, is of the integration of exhibition with production and distribution.

Company attorneys denied yesterday that the application for postponement of the trial to June 1, which is scheduled to be heard tomorrow, is not a move by the entire defense, as it has been pictured. They pointed out that only Loew's and 20th Century-Fox made the application and they, alone, will argue for it tomorrow. The application was made on the ground that John W. Davis, Loew's counsel, and Ralph Harris, 20th Century-Fox counsel, are and will be engaged in trial of another case until May 17.

F.W.C. Trust Suit Nearing Agreement

(Continued from page 1)

suit, which charges violations of the Sherman and Clayton laws. The attorney said an agreement may be reached within a month.

The suit was filed in 1934 against William H. Moore, Charles Irwin and Charles P. Skouras, trustees at that time in the F.W.C. bankruptcy reorganization; Skouras Brothers individually; Fox Film, Universal, First National, United Artists, M-G-M, Columbia, and Paramount. First National and Columbia were later dismissed as defendants on technical grounds, and Universal was dropped without a reason given in court.

The action alleged that after Colcata took back the Colorado Theatre, which it owns, from F.W.C. in 1933 upon expiration of the lease, it was impossible to obtain first-run product for the theatre and that the defendants conspired to deprive the theatre of films F.W.C. had operated the Colorado as a first-run from 1926 to 1933, it was stated.

Variety Club Annual Meet Opens Today

(Continued from page 1)

finance; J. O. Cherry, arrangements; Paul Short, entertainment; Frank Starz, publicity and advertising; Duke Evans, programs; Herman Beiersdorf, new reel; Herb Turpie, historical data; John Adams, Gateway special; B. C. Gibson, registration; Hugh Owen, transportation; Joe Estes, reservations; Lufe Pfeifer, photography; Burt King, golf tournament; Elmer Zrenner, technical; Meyer Rachofsky, sightseeing; Harry Sachs, greeter; Herb Turpie, courtesy checking; Dick Owen, parade; Louie Charninsky, atmospheric arrangements; Walter Henshel, costume contest; Lynn Stocker, food and service; Raymond Willie, visitors' costumes; Don Douglas, refreshments; Ted de Boer, money scrip, and B. H. Bickers, games and equipment.

Chief Barker R. J. O'Donnell of Dallas and a lusty crew of 25 "cow-boys" held up the Texas and Pacific Variety Club special at Terrell, 50 miles from here, tonight to welcome Memphis and Atlanta delegations. Sixty-five Atlantans headed by W. K. Jenkins and 25 from Memphis led by M. A. Lightman were in the party. The Detroit group arrived by plane.

W.B. Theatre Buys Differ—Bernhard

(Continued from page 1)

theatre purchase and that no general policy determined acquisition. Bernhard repeatedly insisted that a house had been dropped because it had proved to be unprofitable, and for no other reason.

Attempts were made by the Government to show that Warners had embarked on a policy of establishing a monopoly in Philadelphia. Bernhard also was questioned closely on the reasons behind the fact that his company had no first-run house in the Chicago Loop.

Warners' advantages in pooling their houses on some occasions were the savings in advertising and booking of films, Bernhard said. His department operates independently of the distribution division under specific orders from Harry Warner, Bernhard declared.

The theatre department is careful to ascertain whether it can obtain product for a house before purchasing or leasing it, Bernhard asserted. He denied ever causing the acquisition of a house because it had clearance over a Warner theatre.

Seeks Certification

HOLLYWOOD, April 17.—Screen Office Employees Guild today filed a petition for certification by the N.L.R.B. as the collective bargaining agency for clerical and office workers at 10 studios. Named were Columbia, Goldwyn, RKO, Republic, Roach, Selznick, Universal, Wanger, 20th Century-Fox and M-G-M.

Heading for Convention of Variety Clubs



About to take off from LaGuardia Field yesterday via an American Airlines special plane to the Dallas Variety Club convention, are, left to right: A-Mike Vogel, *Motion Picture Herald*; Frank Buchanan; Oscar Morgan, Paramount; James Mulvey, Samuel Goldwyn, Herman Robbins, National Screen; William Brenner; Harry Gold, United Artists; Cresson Smith, RKO; Harvey Day, Terry Toons; A. W. Smith, Jr., RKO; Ned Depinet, RKO; Charles Berns.

By train and plane the delegates have been arriving in Dallas since yesterday for the conclave, which starts today. Sightseeing trips, receptions, entertainment and dinners all will be in the Wild West vein. The convention will close on Saturday with a golf tournament, with the annual banquet that night.

Expect Paramount Convention in June

Paramount's annual sales convention probably will not be held until early in June, it was indicated yesterday.

Neil F. Agnew, vice-president and distribution head, will go to the Coast about May 1 to confer with Y. Frank Freeman and other studio officials on new season's production plans and will decide on convention arrangements thereafter.

This would indicate that the company's meeting may be held about the same time as it was last year. The 1939 Paramount convention was held June 8-10, in Los Angeles.

Columbia Changes Film Title in Dispute

Columbia will change the title of its Vivien Leigh-Laurence Olivier picture, "Three Weeks Together," to "21 Days Together," as a result of its title dispute with M-G-M.

M-G-M owns the rights to the Elinor Glynn novel title, "Three Weeks," and disputed Columbia's right to the title "Three Weeks Together." The M.P.P.D.A. title registration committee ruled in favor of Columbia but M-G-M took an appeal to the M.P.P.D.A. board, whereupon Columbia made the change of title.

The picture was produced in England under the title "21 Days."

Kill Miss. Sunday Bill

JACKSON, Miss., April 17.—A bill to authorize Sunday films in Mississippi with a special admissions tax of 10 per cent killed here by the House.

Vivien Laurence
LEIGH ★ OLIVIER
and LESLIE BANKS in
21 DAYS TOGETHER
A COLUMBIA PICTURE

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action



Book these PARAMOUNT SHORTS when you book your features!

100%
BOX OFFICE
tested

APRIL 19 Grantland Rice Sportlight THE BLUE STREAK
APRIL 26 Headliner HAVE YOU MET YVETTE?
APRIL 26 Stone Age Cartoon GRANITE HOTEL
MAY 3 Paragrophic TELEVISION PREVIEW

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Mar. 22	Too Many Husbands (A-C) Arthur-MacMurray			Road to Singapore (M) Crosby-Lamour	Rancho Grande (G-O) Gene Autry	Primrose Path (A-D) Rogers-McCrea	Blue Bird (G-D) Shirley Temple	My Son, My Son (A-D) Aherne-Heywood	It's a Date (G-D) Deanna Durbin	Virginia City (G-O) Flynn-Hopkins
Mar. 29		Florian (G-D) Robert Young	Son of the Navy (G-C) Jean Parker James Dunn	Farmer's Daughter (C) Raye-Ruggles	Ghost Valley Raider (G-O) Donald Barry		Free, Blonde and 21 (A-D) Bari-Davis	Over the Moon (D) Merle Oberon		
Apr. 5	Blazing Six Shooters (O) Starrett	And One Was Beautiful (G-D) Muir-Cummings		Adventure in Diamonds (D) Brent-Miranda		Courageous Dr. Christian (G-D) Jean Hersholt	Stardust (G-D) John Payne	One Million B. C. (G-D) Lon Chaney, Jr.	Half a Sinner (D) Heather Angel	It All Came True (G-D) Sheridan-Lynn
Apr. 12	Man With Nine Lives (D) Boris Karloff	Dr. Kildare's Strange Case (D) Lew Ayres L. Barrymore	Covered Wagon Trails (O) Sky Bandits (D)	Dr. Cyclops (G-D) Albert Dekker Janice Logan	High-Yo Silver (G-O) Young Buffalo Bill (O)		Viva Cisco Kid (G-O) Romero	Rebecca (A-D) Oliver Joan Fontaine	Black Friday (G-D) House of Seven Gables (D)	Gambling on the High Sea (D) Wayne Morris
Apr. 19	I Married a Wife (D) Osa Johnson	Two Girls on Broadway (C) Turner-Blondell	Tomboy (D) Jackie Moran Pals of the Silver Sage (O)	Light of the Western Stars (O) Victor Jory Jo Ann Sayers	Dark Command (D) In Old Missouri (M)	Abe Lincoln in Illinois (G-D) R. Massey Ruth Gordon	Johnny Apollo (G-D) Tyrone Power		Enemy Agent (G-D) Cronwell-Vinson	'Till We Meet Again (G-D) Oberon-Brent
Apr. 26	Doctor Takes a Wife Ray Milland	Forty Little Mothers (A-C) Eddie Cantor	Mysterious Mr. Reeder (D) Will Fyffe Kay Walsh	French Without Tears (A-C) Drew-Milland	Covered Wagon Days (O) Grandpa Goes to Town (C)	Curtain Call (G-D) Helen Vinson	Shooting High (G-O) Gene Autry			An Angel from Texas (C) Albert-R. Lane
May 3	Block "K" Rides Tonight (O) Bill Elliott	20 Mule Team (D) W. Beery Leo Carrillo	Land of the Six Gun (O) Jack Randall	Buck Benny Rides Again (C) Jack Benny	Crooked Road (D) Edmund Lowe Irene Hervey	Beyond Tomorrow (G-D) Binnie Barnes	So This Is London (C) George Sanders	Saps at Sea (C) Laurel-Hardy	If I Had My Way (M) Bing Crosby	Tear Gas Squad (D) John Payne Dennis Morgan
May 10		Edison, the Man (D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (C) Charlie Ruggles Janice Logan	Gaucha Serenade (O) Gene Autry Smiley Burnett	Irene (D) Anna Neagle Ray Milland	I Was An Adventuress (D) Zorina-Greene		Ski Patrol (D) Luli Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley
May 17	Isle of Doomed Men (D) Peter Lorre	Waterloo Bridge (D) Robert Taylor Vivien Leigh	Kid From Santa Fe (O) Jack Randall	Typhoon (D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (D) Carole Landis Adolph Menjou	Alias the Deacon (C) Bob Burns Mischka Auer	Flight Angels (D) V. Bruce R. Bellamy
May 24	Lone Wolf Meets a Lady (D) W. William Jean Muir		Amateur Detective (D) Frankie Darro	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (C) Lucille Ball J. Ellison	Lillian Russell (M) Don Ameche Alice Faye	Our Town (D) William Holden Martha Scott		Torrid Zone (D) Cagney-O'Brien Ann Sheridan
May 31	5 Little Peppers at School (D) Edith Fellows	Susan and God (D) Fredric March Joan Crawford	Queen of the Yukon (O)	Way of All Flesh (D) Tamara Gladys George		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Marriage in Transit (C) Robt. Sterling Joan Davis		La Conga Nights (M) Bad Man From Red Butte (O)	
June 7	Texas Stagecoach (O) C. Starrett			Hidden Gold (O) Huntling		Saint Takes Over (D)	Earthbound (D) Warner Barker		Hot Steel (D) Richard Arlen	

Radio Brevities

WHOM yesterday received permission from the F.C.C. to increase its power from 250 watts, full time, to 1,000 watts, daytime, and 500 watts, night. The new transmitter will be ready to operate within a month or two, Joseph Lang, general manager, stated. A new type Western Electric transmitter, which will use the Doherty circuit, will be installed on the site of the present transmitter in Jersey City. Operation on a 24-hour schedule will continue. A double celebration, commemorating the 10th anniversary of the station and the installation of the new transmitter, is planned.

Personalities in the News

Ted Collins, Kate Smith's manager, is in Mt. Sinai Hospital suffering from a nose ailment. . . . Joe Hasel, formerly with WNYC, will aid Earl Hopper for the baseball games broadcasts over WNEW. . . . CBS officials who will address the Ohio State University's 11th Institute for Education by Radio in Columbus on April 29-May 1 include Sterling Fisher, Lyman Bryson, Charles Stookey, Lavinia Schwartz, Leon Levine and Irwin Johnson. . . .

H. V. Kallenborn who sails for Italy on April 27 will continue his talks over NBC-Red from the boat and after he arrives in Europe. . . . Wayne King will broadcast from New York for his next two programs over CBS. . . . Jack Benny is to make a guest appearance on the Kate Smith show on Friday, April 26 over CBS.

Mutual Does It Again

Mutual made it two in a row at Philadelphia yesterday when network representatives met to lay plans for coverage of the Republican convention there. As usual, there was a toss for choice of the best broadcasting booth and Mutual won, as it did in Chicago for the Democratic convention. Bill Dolph, of Mutual's Washington affiliate, WOL, contributed the coins needed for the tossup and is now out 15 cents.

Driscoll Replaces Johnstone

Dave Driscoll was appointed director of special features for WOR yesterday to replace "Johnny" Johnstone when the latter leaves the station on May 1. The publicity post, also held by Johnstone, is still unfilled. Driscoll has been in the station's special features division since 1936. Previously, he had done sports announcing for WCCO, Minneapolis; managed KGDE, Fergus Falls; and had been associated with WFIL, Philadelphia.

CBS Buys Island

CBS yesterday purchased Little Pea Island, a small bit of land about one mile from Glen Island in Long Island Sound, for the purpose of erecting a new transmitter for WABC. The land, which consists of little more than a few rocks above water at high tide, was purchased for \$17,000 from the Hugenot Yacht Club. Engineers believe that 350-foot towers with grounds sunk six feet into the salt water will aid transmission materially. Permission from the F.C.C. will be sought to move WABC's transmitter from its present site in Wayne, N. J.

CBS First Quarter Net Is \$1,552,031

CBS net profit for the first quarter of 1940 totaled \$1,552,031, compared with \$1,163,947 for the same period last year, it was announced at the annual stockholders' meeting of the network yesterday.

Gross income for the quarter rose from \$7,185,407 in 1939 to \$8,918,659 for the current year. The earnings per share for the quarter were 90 cents as compared with 68 cents for the same period in 1939.

The meeting ratified the new contract with William S. Paley, president, which will expire Dec. 31, 1945. His previous contract was due to expire at the end of this year.

Directors elected were Prescott S. Bush, J. A. W. Iglehart, Paul W. Kesten, Edward Klauber, Samuel Paley, Dorsey Richardson and Herbert Bayard Swope, for Class A stock, and William S. Paley, John J. Burns, Ralph F. Colin, Isaac D. Levy, Leon Levy, Jacob Paley and Mefford R. Runyon, for Class B.

AGVA Signs Pact For 2 Fair Shows

Following the settlement of the dispute between Actors Equity and the New York World's Fair over "American Jubilee," the American Guild of Variety Artists yesterday signed a contract with Michael Todd, who will produce "Old Op'ry House" and "Gay New Orleans" at the Fair.

The "Old Op'ry House" contract provides for minimums of \$40 weekly for chorus members and \$60 for principals, based on a maximum of 21 shows per week, with proportionate increases for extra shows. The "Gay New Orleans" cast will receive the same pay for 28 weekly shows of 40 minutes each with proportionate increases for extra shows. The casts will receive \$15 weekly for rehearsals in Manhattan after the first three days, and \$20 for rehearsals at the Fair. If the auditoriums which house the attractions seat more than 3,000 persons or charge more than 99 cents top, negotiations are to be reopened for higher minimums.

Deny Broadcast Plea

CINCINNATI, April 17.—The F.C.C. has denied the application of American Broadcasting Corp. of Kentucky for special experimental authority to rebroadcast, over its present 250-watt assignment, facsimile transmissions originating at WLW here.

'Rochester' Due Today

Eddie (Rochester) Anderson, colored comedian in Paramount's "Buck Benny Rides Again" will be greeted at the 125th St. Station of the New York Central today on his arrival from the Coast for the premiere of the film in Harlem next Tuesday.

Mrs. McDonald Dies

Mrs. Opal McDonald, 36, secretary to John Roy, manager of the Rainbow Room, died of a fractured skull Tuesday night after falling down a flight of stairs.

Form Broadcasting Firm

DOVER, Del., April 17.—The District Broadcasting Co. has been formed here to engage in a general broadcasting business, with capital of \$100,000.

Phone Operators Handle Film Queries

Pittsburgh, April 17.—Bell Telephone Co. operators in Mercer, Pa., henceforth will answer inquiries about shows in town, bus schedules, sundry entertainment, and similar information usually confined to newspapers and radio. Now, folks can pick up the receiver and ask "What's playing at the theatre to-night?" The new information service will be extended to various small cities in western Pennsylvania.

\$2,500,000 Spent By CBC on Talent

TORONTO, April 17.—The Canadian Broadcasting Corp. has announced that more than half of its revenue from the sale of annual receiving set licenses, amounting to \$2,500,000, has been spent during the past 12 months in the production of original programs and that the greater part of program expenditure goes to fees and salaries to radio musicians, vocalists, drama players, orchestras and supporting artists.

During the year more than 5,000 different persons were given a gainful outlet for their talents through CBC, it was stated, this number not including any but individual performers. Members of choirs and other organizations were not included in this payroll.

Tips on Exploitation

U. A. Sets Contest On 'Million B.C.'

United Artists has set an exploitation campaign on the Hal Roach film, "One Million B. C.," including all managers in the country, to run until July 1. The prize will be a 1940 Buick. Judges will be Spyros Skouras, Joseph R. Vogel, Sam Dembow, Fred Meyers, Roach and Murray Silverstone.

Monogram Contest Winners Are Named


Buddy Swan of New York and Marcelle Wissman of Chicago are the winners of the Uncle Don-Monogram talent contest conducted over Mutual. Prize will be a trip to Hollywood and a role in Monogram's "First Assignment." United Airlines participated in the contest arrangements.

Carolina Legislature Invites Ann Sheridan

COLUMBIA, S. C., April 17.—The House of Representatives and the State Senate of South Carolina have passed a concurrent resolution inviting Ann Sheridan, Warner star, to visit Columbia as the guest of the state and city when her latest picture "It All Came True" plays this city. The resolution was unanimously approved by both houses.

Grandpa GOES TO TOWN

A HIGGINS FAMILY PICTURE



"It ain't no use, Higgins. You think you can start a phoney gold rush to fill your own pockets, do you? Well, we got a little justice of our own for fellows like you!"

JAMES LUCILE RUSSELL **GLEASON**

HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS

A REPUBLIC PICTURE

I wish to thank deeply all the boys of
the Publicity, Advertising and Exploitation
Departments of Paramount in Hollywood
and New York for their steadfast confi-
dence in me and their faithful support.

Very sincerely,



*formerly a *Biscuit Eater*

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
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Brief,
Accurate
and
Impartial

VOLUME 7, NO. 78

NEW YORK, U.S.A., FRIDAY, APRIL 19, 1940

TEN CENTS

50 Features Next Year Set By Monogram

To Include 24 Westerns In Three Series

DALLAS, April 18. — Monogram plans 50 features for the 1940-'41 season, W. Ray Johnston, president, will tell the annual franchise holders' meeting here on Sunday. The schedule includes 26 features and 24 westerns.

The two-day meeting of franchise holders will be held Sunday and Monday at the Baker Hotel, following the Variety Clubs national convention, which ends Saturday. Monogram executives presiding include: Scott R. Dunlap, vice-president in charge of production, and Edward A. Golden, general sales manager, in addition to Johnston.

Top production budgets will be allocated to "The Pioneers," based on the James Fenimore Cooper novel; "The Ape," Broadway stage play which will star Boris Karloff; "Land of the Sky Blue Water" and "The King and the Cowboy," Graustarkian romance of a boy king.

Prominent on the program will be two Jack London stories, "Under

(Continued on page 5)

Casting Bureau Appointment Hit

HOLLYWOOD, April 18.—Both the Screen Actors Guild and Joseph M. Schenck, past president of the Association of Motion Picture Producers, today hastened to clarify their positions on the appointment of Howard Philbrick as general manager of the Central Casting Bureau as the move met with newspaper criticism locally because of circumstances under which

(Continued on page 6)

Variety Cohorts Take Over Dallas Club Convention

DALLAS, April 18.—The registration desks for the national Variety Club convention, which started its three-day festivities here today, were the busiest places in Dallas, as theatre and film men from all parts of the country hit the town primed for big doings. First business session was held at the Adolphus Hotel.

Registration occupied the morning, with the afternoon devoted to a trip to the ranch of Dick Andrade III, wealthy oil man. Early arrivals this morning were the national officers of the Variety Club, including John H. Harris, national Chief Barker, from Pittsburgh; Duke Clark, Boston; John Maloney, and Frank Drew, Cleveland, and James G. Balmer, Pittsburgh.

Others among the crowds arriving this morning were: Harry Kalmine and Harry Feinstein, Pittsburgh; Harry Schreiber and Virgil Jackson, Columbus; H. J. Wessel and Art Frudenfeld, Cincinnati; Elmer Wieschke and Earle Sweigart, Philadelphia.

(Continued on page 6)

'Wind' Dated in 30 N. Y. Neighborhoods

More than 30 circuit and independent subsequent run houses in the metropolitan area have dated "Gone With the Wind" during the next three weeks. M-G-M yesterday announced 174 new engagements, bringing the total to 2,429.

Among the circuits which have set dates for the picture are Warners, RKO, Fabian, Interboro, Seider, Brecher, Consolidated, Skouras, Brandt, Casey & Wheeler, Stein and Rosenblatt.

In most instances these deals were not made for the entire circuit concerned, but only for houses so situated as to be the least affected by prior

(Continued on page 6)

Hearings on RKO Allowances May 14

Hearing on applications for final allowances in RKO reorganization proceedings was ordered for May 14 at 10:30 A.M. in an order signed by Federal Judge William Bondy yesterday. The order calls for notice of hearings to all applicants, creditors, stockholders and bondholders of the company.

A detailed statement of allowances attached to the order disclosed that previous fees and expenses have totalled \$955,392 while applications to be considered total approximately \$2,450,000.

FORCED TO TAKE THEATRES—KENT

Kent said:

Highlights of the pre-trial trust suit testimony of Sidney R. Kent, yesterday:

"Historical facts show that planned territorial division of theatres is a charge that is absolutely untrue and without foundation."

"Paramount acquired theatres because theatre men in association with each other had gone into distribution and production and were threatening to wipe out our markets."

"Clearance is like an island surrounded by water; its purpose is to direct the attention of the public to a specific playing of a picture."

"Our customers told us they wanted to be assured of product supply; in many cases they contracted for blocks of pictures which were decidedly inferior rather than gambles for individual superior pictures."

Testifies Market Threats Impelled Producers Into Exhibition

Government charges of territory division have no "historical basis" because theatre acquisitions were forced

on producers by threats to their market at "strategic points," Sidney R. Kent, president of 20th Century-Fox, declared yesterday at a pre-trial examination in the "key" anti-trust suit.

Kent brilliantly combined thorough practical knowledge of industry problems, an understanding of theory and a use of historical background to justify and explain film practices of the majors. His concise statements, illustrated by pointed examples, won approving smiles from the defendants' counsel and foreshadowed the majors' position on trial.

Theatre management should not be centralized, Kent told Special Assistant Attorney General Robert L.

(Continued on page 5)

Kent Terms Print Increase Mistake

Producers and distributors are making a great mistake in gradually increasing the number of prints for distribution, Sidney R. Kent, president of 20th Century-Fox, asserted at his pre-trial examination in the Government's anti-trust suit yesterday.

That very morning, he had instructed Herman Wobber, distribution head, and the three division managers to cut down on the number of prints immediately, Kent added. The statement was made in answer to a Government contention that producers should broaden their first run market by increasing the number of prints.

Kent declared that he had noticed a definite tendency to add to the number of prints because exhibitors insistently demanded it. If the tendency continues, he continued, "it will break the back of the companies."

Subpoena Motions To Be Heard Soon

Motions to quash subpoenas directing major company defendants in the Government's anti-trust suit to produce their books and records in court May 1 are scheduled to be made by the defendants in the next few days. The court orders were served last week.

No decision has been made whether defense attorneys will seek additional particulars from the Government in reply to their consolidated interrogatories, but indications still point to a decision against doing so.

Attorneys advanced the opinion yesterday that with the Government's new

(Continued on page 5)

Majors Win Point In Brooklyn Case

Federal Judge Inch yesterday granted the defense motion for a full bill of particulars in the anti-trust suit of the 395 Amusement Corp. against the major companies and Randforce Amusement Co.

The plaintiff, operating the Gloria in the Red Hook section of Brooklyn, complained that a new Randforce house obtained prior run from the distributors over that of the plaintiff.

Canadian Theatres Totalled 1,251 in 1939

Toronto, April 18.—According to a Government report, the number of theatres operating in Canada at the end of 1939 was 1,251, an increase of 27 over the total of one year previously. The greater part of the increase was due to the construction of new theatres.

Korda Leaving for London Next Week

HOLLYWOOD, April 18.—Alexander Korda announced today he will leave here next Thursday en route to London to arrange for filming there two of his scheduled four pictures for United Artists next season.

Before leaving, the U.A. producer will complete plans for shooting the final scenes in Hollywood of "The Thief of Bagdad," which was made mostly in London. Korda plans to fly on the *Clipper* Saturday, April 27. His present plans call for a return here June 15.

Speculation here concerned the possibility that Korda's trip to London might be in connection with the financing being arranged for his production here and in London through the Security National Bank of Los Angeles and the Bankers Trust Co. in New York. The financing is understood to total \$3,600,000.

Writers Sue Para. On 'Wings' Picture

LOS ANGELES, April 18.—Wallace Moir and Louis Lamont, writers and trustees of the estate of Frank Hawks, flier, today sued Paramount in Superior Court for \$2,200,000 damages, charging plagiarism of material written by the three in Paramount's "Men With Wings."

The suit alleges that Paramount used portions of "Cavalcade of the Air," written in 1934.

'Biscuit Eater' Sequel

HOLLYWOOD, April 18.—Jack Moss, Paramount producer, today announced plans to film a sequel to "The Biscuit Eater," which will star Billy Lee, Cordell Hickman and the dog, Promise. It will be titled "Lonnie." James Street is writing the story.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the
Rivolt Theatre)

(51st Street
Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York

for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

Purely Personal

JOHN W. HICKS, Paramount vice-president and foreign department head, who was scheduled to sail for Europe on the *Manhattan* tomorrow, has postponed his trip indefinitely.

DAVID BERNSTEIN, treasurer of Loew's, Inc., observes a birthday Sunday. DAVID O. DECKER, Loew attorney, has a birthday tomorrow.

E. M. SAUNDERS, M-G-M Western sales manager, will return this weekend from a two-week trip to Chicago and the Midwest.

LOUIS D. FROHLICH, HERMAN FINKELSTEIN, JOHN G. PAINE and E. C. MILLS are expected back from Florida this weekend.

LYNN FARNOL, United Artists advertising and publicity director, left for Fort Worth by plane yesterday.

A. E. MEYER, sales manager of International Projector Corp., is on a tour of National Theatre Supply branches and Simplex distributors in Mexico. He is attending the Variety Club convention in Dallas.

MAX J. WEISFELDT, Columbia home office executive, is in Washington today on business.

AL MARGOLIES, United Artists publicity manager, will leave for Detroit today for a brief business trip.

EDWARD H. WOLK, Chicago theatre equipment manufacturer, will hold open house at the confirmation of his son tomorrow. WOLK will attend the S.M.P.E. convention in Atlantic City next week.

ABE SPITZ, Rhode Island exhibitor, is on a motor tour of Washington, Baltimore and Atlantic City.

LEO M. DEVANEY, general manager of RKO Distributing in Canada, is recovering in a Toronto hospital from an appendicitis operation.

DAVID O. SELZNICK has canceled plans to return to the Coast this weekend for a brief stay, as a result of which he will be in New York several weeks longer.

WILLIAM WHITE, general manager of Skouras Theatres, returns Monday from a vacation cruise.

HAL HORNE, EDDIE CANTOR, MR. and MRS. GEORGE JESSEL and JOSEPH MOSKOWITZ at Lindy's for lunch yesterday.

RUTGERS NEILSON, publicity manager of RKO, and MRS. NEILSON celebrated their 19th wedding anniversary yesterday.

HOWARD DIETZ, ILKA CHASE, ERNO RAPEE, TOBY GRUEN, CHARLES E. MCCARTHY, RUSSELL HOLMAN, SIDNEY PHILLIPS and AUSTIN KEOUGH at Nick's Hunting Room in the Astor for lunch yesterday.

EMERSON YORKE, producer, leaves over the weekend to attend the S.M.P.E. convention, which will start Monday at Atlantic City.

J. ROBERT RUBIN, WILLIAM SUSHMAN, HERMAN WOBBER, ROBERT WEITMAN, FREDERIC LONSDALE, HARRY RAPEE, IRVING HOFFMAN, I. E. LOPERT and ARTHUR KRIM at Sardi's for lunch yesterday.

NATE BLUMBERG, RALPH POUCHER, HARRY GOETZ, HERB EDWARDS, ARTHUR LEE and WILLIAM FITELSON lunching at Bob Goldstein's Tavern yesterday.

WILLIAM MADDEN, student booker at the M-G-M home office, has entered the New York Hospital for Ruptured and Crippled on 42nd St. for a two-week stay.

A. E. SANDERSON, chief accountant of Associated Theatres, Toronto, is convalescing from an appendicitis operation.

AL PERLEY, manager of the Kenwood, Toronto, has returned to his post after an operation.

Four New Pictures Open on Weekend

Four new films will be on view in Broadway's first runs over the weekend. "Til We Meet Again" opens today at the Strand. Tomorrow "The Secret Fool" starts at the Globe and "Enemy Agent" at the Rialto. "Forty Little Mothers" opened yesterday at the Capitol and "Parole Fixer" at the Criterion.

"Johnny Apollo" with a stage show at the Roxy drew an estimated \$50,000 in its first week and is held over. At the Capitol, "Dr. Kildare's Strange Case" grossed an estimated \$18,000.

The third week of "Rebecca," with a stage show at the Music Hall, was good for an estimated \$89,500 and it is now in its fourth week. "My Son, My Son" will bow at the Music Hall next Thursday. "It All Came True," with Eddy Duchin's orchestra on the stage, was good for an estimated \$28,000 in its second week at the Strand.

Montague to Atlanta

Abe Montague, Columbia general sales manager, and Rube Jackter, assistant sales manager, will stop off in Atlanta on Monday en route back to New York from the Variety Clubs convention at Dallas. They will attend a meeting of the company's Southern branch managers there.

Honolulu Premiere

HOLLYWOOD, April 18.—Paramount will hold the world premiere of "Typhoon" at the Waikiki Theatre, Honolulu, April 25. Dorothy Lamour, who appears in the film, sailed today for the opening. She will be heard on "Hawaii Calls," Mutual network program, April 27.

Herbert Wins Suit

LOS ANGELES, April 18.—Hugh Herbert, film player, was awarded \$10,863 in his damage suit against Consolidated Film Industries. Herbert said an automobile in which he was riding was struck by a company truck.

75% of Columbia's Gross Is from U. S.

Re-allocation of film costs by Columbia because of the European war makes the domestic market responsible for 75 per cent of the company's gross, an increase of 10 per cent over nine months ago, it was revealed by Harry Cohn, president, in a letter to stockholders yesterday.

Cohn's letter reports net profit for the six months ended Dec. 30, of \$215,582 after deduction of extraordinary reserve of \$100,000 and after deduction of the loss of \$104,751 for the September quarter. This compares with net profit of \$34,598 for the corresponding six months of 1938.

Net profit for the quarter ended Dec. 30, last, was \$320,334 after deduction of the \$100,000 reserve.

The 10 per cent re-allocation of film costs began with a five per cent reduction of the allocation to the United Kingdom during the six months ended Dec. 30, 1939, and was followed by an additional five per cent reduction in foreign allocations on Jan. 1, last. The percentage of Columbia's film cost allocated to the United Kingdom now is 20 per cent, and to all other foreign markets, five per cent.

The company's current assets at the end of the first six months of the current fiscal year were approximately \$13,526,000 and current liabilities \$1,550,000, making a net working capital of \$11,976,000, Cohn's letter states. The company paid the annual installment of \$250,000 on its debentures on March 15, due April 30, and has now reduced total debentures outstanding to \$1,000,000.

The current quarterly dividend on the preferred stock has been declared, payable May 15 to holders of record on May 1.

Uphold Ban on 'Cargo'

PROVIDENCE, April 18.—The Bureau of Police and Fire, after hearing the protest of Antonio A. Romano against the local censor ban on M-G-M's "Strange Cargo" voted today to uphold his ban on the film in subsequent runs here.

Bookers Party May 19

The Bookers Club of New York, comprised of exchange and circuit bookers, will have its first dinner and dance May 19 at the Hotel Astor roof. Alex Arnsvalder of M-G-M, is in charge.

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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FIRE!

Hear the cash customers gasp as a huge tropical island goes up in flames in the most thrilling, most exciting fire scene ever to blaze across the screen. It's red-hot box-office . . . and watch the paying public eat it up!

TIDAL WAVE!

Thrill piles upon thrill to flay their emotions and leave them limp as waves of destruction climb higher and higher and finally engulf the entire island . . . leaving only havoc in their wake.

TYPHOON!

in Technicolor!

Climaxing the greatest succession of thrills ever caught on celluloid . . . a real tropic typhoon unleashed with all its thundering force. It's showmanship dynamite in Technicolor that'll have 'em talking for weeks!

WATCH FOR . . .

Full page, full color American Weekly ad reaching 14,500,000 readers!
Supplemental full page ads reaching an additional 7,000,000 readers!
Tremendous nation-wide publicity barrage!
...a Paramount super-shawman's campaign
—all aimed to make the National Release Date, MAY 17, a national box office holiday!



LOVE!

Paramount presents

DOROTHY LAMOUR • ROBERT PRESTON in

"TYPHOON"

in Technicolor!

with

LYNNE OVERMAN • J. CARROL NAISH

Directed by Louis King • Screen Play by Allen Rivkin • Based on a Story by Steve Fisher

There'll be romantic sighs from coast to coast when they see glamorous Dorothy Lamour fall rapturously, gloriously in love with the first white man to invade her tropic paradise — femme-exciting Robert Preston!



Forced Into Theatre Field, Kent Declares

(Continued from page 1)

Wright. In purchasing a theatre the most important thing obtained was man power that understood the neighborhood and its tastes, he added. A theatre is like a tree with its roots in the ground; to maintain goodwill it is essential to determine its policy locally, Kent declared.

Paramount's experience in 1923 dramatically proved that even exhibitors prefer block booking to individual sales, the film executive asserted. In that year, Jesse Lasky inaugurated a policy of individual sales but "exhibitors were not ready for it" and "we didn't get very far," he continued. Customers did not want to compete for each individual film and, as a result, contracted for blocks of films distinctly inferior to Paramount product, he said. In a four month trial period, Paramount's loss was "terrific," he asserted, and the company dropped the idea.

Lasky Cut Schedule

Another Government contention was blasted in the course of that test, Kent stated. Lasky reduced the number of pictures produced from 75 to 52 during that season but "they were the worst 52 pictures he ever made in his life," Kent said. "We found that the theory that the less pictures made, the better the quality, was not sound," he concluded.

Paramount, while Kent was distribution head, finally embarked on a policy of selling a season's product because the exhibitor didn't seem to care whether he purchased films in one block or in several smaller blocks and the former method was cheaper, he stated.

This does not mean that an exhibitor is buying "a pig in a poke," Kent added. Twentieth Century-Fox first gives the exhibitor an opportunity of inspecting the books, plays and material of the films, and a list of the stars, players, directors and producers before the sale is made, he declared. "This is as much as anybody can humanly do if he sells anything before it is finished," Kent asserted forcefully.

Urged Percentage Deals

Early in the twenties, the Fox head stated, he was the first executive to call for film rentals based on percentage in an article written for *The Motion Picture News*, the predecessor of *Motion Picture Herald*. "At that time, I was rudely attacked from all parts of the country," he quickly added.

Ultimately, film companies came around to his view, he said. When exhibitors were playing on flat rentals, "they were getting away with murder," Kent continued, "and that's how they built up the big theatre circuits." Flat rentals gave the exhibitors everything and the producer, nothing, Kent explained.

When he took over the presidency of 20th Century-Fox in 1932 that company was selling 48 of its 52 films on flat rentals. "I changed that policy very quickly, I assure you," he said. The percentage policy brought in accounts rather than "chased them away" and as a result the number of customers increased

Executives of Monogram



W. R. JOHNSTON
President of
Monogram



EDW. GOLDEN
General Sales
Manager



SCOTT DUNLAP
Vice-President
Production



THOMAS LOACH
Vice-President
of Monogram



N. RITCHEY
Foreign Export
Manager



LOUIS LIFTON
Director Publicity
and Advertising

from 5,200 to 10,000, Kent pointed out.

The day of giant theatres is over, Kent declared. With the advent of sound pictures, the industry has found that small, intimate houses are much more popular and "engineers favor them."

First run houses are, of course, important to the revenue of producers, Kent conceded and then added that their importance had not increased. As a matter of fact, he said, a study conducted by Paramount proved that small town houses had increased in importance since the 1929 crash. The reason for this was the shift of population from urban centres back to small towns and farms as a result of the depression, he stated.

In 1925, another Paramount study showed that the company received 65 per cent of its revenue from the 1,250 top theatres, he continued. Sound films have probably changed these figures, Kent stated.

Kent declared it ridiculous to think that major companies got together at any time to divide the map of the U. S. into exclusive territories. The "wars between companies," the growth of business and the threat to theatre outlets all give this theory the lie and show the reason for theatre purchases.

Kent met a challenge of Wright to justify his theory on theatre acquisitions in Kansas City and Philadelphia. Paramount purchased its first run houses in Kansas City to protect a profitable outlet, he explained. In Philadelphia, Kent caused the sale of the Fox Theatre because its construction had been a "mistake" and his company didn't have enough product to keep it supplied.

S.E.C. Reports Buy Of Trans-Lux Stock

WASHINGTON, April 18.—A report of the acquisition of 800 shares of Trans-Lux Corp. common stock by Walter Siemers, director, was the only film operation carried by the Securities and Exchange Commission in its final semi-monthly report for February of the transactions of officers and directors in the securities of their corporations. Siemers increased his holdings to 1,000 common shares.

A number of changes in holdings of Columbia Broadcasting System stocks were reported, with Herbert V. Akerberg acquiring 328 shares of Class A common and H. Leslie Atlass, Chicago, 363 shares, both representing their entire holdings. Paul W. Kesten, New York, reported the acquisition of 757 shares of Class A, giving him a total of 2,501 shares, and Leon Levy, director, reported the disposition by gift of 170 shares of Class B, reducing his interest to 42,762 shares.

Subpoena Motions To Be Heard Soon

(Continued from page 1)

195-page answer served on Tuesday, defendants have "at least 80 per cent" of what they felt they were entitled to receive under the stipulation on answers entered into with the Government. On the basis of the information revealed thus far, the opinion appears to prevail that little is to be gained by pressing for further particulars of the same kind.

Federal Judge John C. Knox is scheduled today to hear the applications of Loew's and 20th Century-Fox for a postponement of the start of trial from May 1 to June 1.

50 Features Next Year Set By Monogram

(Continued from page 1)

Northern Skies" and "Land of the Long Shadows," and the late Earl Derr Biggers' *Saturday Evening Post* story, "Dollar Chasers." Gene Stratton-Porter's novel, "Her Father's Daughter" and a sequel to "Freckles," titled "Freckles Comes Home" by Jeannette Stratton Porter, will be made. Marcia Mae Jones and Jackie Moran will co-star in "The Old Swimmin' Hole" suggested by James Whitcomb Riley's poem, as well as in "Sweet Sixteen" and "Day Dreams."

Other Stories Scheduled

Other properties on the list include: "College Sweetheart," by Leona Dalrymple, which appeared in the *Woman's Home Companion*; "Million Dollar Mystery," *Collier's Magazine* story by Hugh Wiley; "I Cover the Town," "You're Out of Luck," "The Sky's the Limit" and "My Home Town" with Frankie Darro; "Boys of the City" and "That Gang of Mine" with the East Side Kids; "While Frisco Sleeps," "Phantom of Chinatown" and "Alias Jimmy Hogan" stories by Hugh Wiley; "One Glorious Adventure" by Dorothy Reid and Betty Burbridge and "Orphans of the North," a Norman Dawn production.

Three series of eight westerns each will be released by Monogram. Tex Ritter will star in a group of musical westerns; Fred Scott in another series of outdoor films and a new team, John King and Ray Corrigan, to be known as "The Two Pals," in the third group.

Selznick Undecided On Charities Picture

While David O. Selznick has discussed the possibility of serving as producer on the war charities film to be produced in Hollywood by British and French film talent, no decision has been reached, it was learned here yesterday.

Hollywood reports were that Selznick had agreed to serve as producer.

According to present plans, stars, directors and technical workers of British and French nationality who are now in Hollywood will contribute their services to the production. RKO will distribute the picture. Receipts over and above actual distribution costs will be donated to charities in the localities in which the picture is shown.

'Son' Sets Three Records

"My Son, My Son!" established three new opening day records out of its first four initial engagements. United Artists reported yesterday. The Edward Small production grossed \$3,100 at the 1100-seat Aldine, Philadelphia, on Thursday; \$1,894 at the Roger Sherman, New Haven, and \$1,565 at the Strand, Hartford, for new opening day records. Its fourth engagement brought \$1,100 for the day to the Waterbury, Waterbury, which was just under a record for the house.

'Rebecca' Is Smash in Loop With \$24,600

CHICAGO, April 18. — "Rebecca" topped Loop business with a terrific \$24,600 at the United Artists. "Dr. Ehrlich's Magic Bullet" at the Apollo drew \$7,000, while "Too Many Husbands" at the Chicago with Wayne King's Band was very good with \$38,800. The weather was unsettled.

Estimated takings for the week ending April 10-13:

"Dr. Ehrlich's Magic Bullet" (W. B.) APOLLO — (1,400) (35-55c-75c) 7 days. Gross: \$7,000. (Average, \$6,000)

"Too Many Husbands" (Col.) CHICAGO — (4,000) (35c-55c-75c) 7 days. Sage: Wayne King's band. Gross: \$38,800. (Average, \$32,000)

"Young Tom Edison" (M-G-M) GARRICK — (1,000) (35c-55c-75c) 7 days. Gross: \$4,000. (Average, \$5,000)

"Gone With the Wind" (M-G-M) ORIENTAL — (3,200) (75c-\$1.10-\$1.50) 7 days, 11th week, 3 shows daily. Gross: \$28,700. (Average, \$13,000)

"Pinocchio" (RKO). "Courageous Dr. Christian" (RKO) PALACE — (2,500) (35c-55c-75c) 7 days, 3rd week. Gross: \$7,600. (Average, \$12,000)

"I Take This Woman" (M-G-M) ROOSEVELT — (1,300) (35c-55c-75c) 7 days, 2nd week. Gross: \$7,900. Average, \$11,000

"British Intelligence" (W. B.) STATE-LAKE — (2,700) (25c-35c-50c) 7 days. Stage: Vaudeville Revue. Gross: \$16,200. (Average, \$14,000)

"Rebecca" (M-G-M) UNITED ARTISTS — (1,700) (35c-55c-75c) 7 days. Gross: \$24,600. (Average, \$14,000)

"Gone With the Wind" (M-G-M) WOODS — (1,100) (\$1.10-\$1.50) 7 days, 11th week, 2 shows daily. Gross: \$10,500

Home Offices Void Of Top Executives

More home office executives are away from the city at this time than at any time in the past several months.

The Variety Clubs convention in Dallas drew the largest number, with studio conferences, sales meetings and routine business trips adding their quotas. The list would be even larger if it were not for the Government's speedup of pre-trial examinations in the New York anti-trust suit, which is holding six or eight executives in the city who otherwise would be away from town.

The absentee list includes Barney Balaban, Oscar Morgan, Leonard Goldenson, Sam Dembow, Jr., and Leon Netter of Paramount; Herman Wobber and William Kupper of 20th Century-Fox; Gradwell L. Sears, Warners; James Mulvey, Harry Gold and Emanuel Silverstone, United Artists; Abe Montague and Rube Jackter, Columbia; James R. Grainger, Republic; Ned E. Depinet, Cresson Smith and A. W. Smith, RKO; Nicholas M. Schenck and E. M. Saunders, M-G-M; William A. Scully, F.J.A. McCarthy and William Heineman, Universal; W. Ray Johnston and Edward Golden, Monogram.

Davidson to Warners

Louis Davidson, New York newspaperman and formerly the 20th Century-Fox and RKO exploitation departments, has joined Warners as publicity contact with newspapers. He succeeds John Harkins, who has been given a leave of absence.

Feature Review

"The Light of Western Stars"

(Paramount-Harry Sherman)

HOLLYWOOD, April 18.—Zane Grey's long popular novel, previously produced by Paramount in 1925 and 1930, has been substantially altered for the purposes of this Harry Sherman special western. Victor Jory, shifting from his accustomed heavy roles, plays the hero, Jo Ann Sayers, the heroine, and the cast includes Russlee Hayden, Morris Ankrum, Noah Beery, Jr., J. Farrell MacDonald, Ruth Rogers, Tom Tyler and others.

Norman Houston's screenplay, directed by Lesley Selander, has Miss Sayers coming west from Boston to rejoin her brother in the Mexican border country, where she meets Jory, a whiskey drinking, gun-toting he-man of the prairie, who sets out to marry her by way of winning a bet and winds up by reforming under her influence. Melodrama accompanying this development involves gun-running operations which culminate in a series of shooting affrays eliminating the forces of evil.

Reaction of the preview audience which saw the film in Glendale was spotty, ranging from unrestrained snickers during stretches of stilted dialogue to unrestrained hissing of the various villains. Production departure from the more or less established custom of preserving a straight line of story action in Western melodramas seemed to account for audible restiveness. The picture is at its best in a bar-room opening sequence and in the finale wherein a Mexican, faithful to the hero, shoots it out with two desperadoes and gives his life to save that of his idol.

Running time, 65 minutes. "G."*

VANCE KING

*"G" denotes general classification.

'Wind' Dated in 30 N. Y. Neighborhoods

(Continued from page 1)

engagements of the picture. All deals made are on the established percentage and advanced price policy for "Wind."

Numerous additional deals for late May and June engagements are being negotiated.

Among the dates set are the following: Warners' Broadmoor, Bloomfield, N. J., April 29-May 1; Warners' U. S., Hoboken, April 18-24; Warners' Capitol, Passaic, April 19-25; RKO Strand, Far Rockaway, April 23-29; Skouras' Queen Anne, Bogota, May 5-11; Rosenblatt's Lyceum, Bayonne, April 18-24; Brandt's Embassy, Dobbs Ferry, April 24-27, Colony, White Plains, April 24-27, and Alden, New Rochelle, April 24-27; Fabian's Colonial, Pompton Lakes, and Rialto, Westfield, April 18-20; Casey & Wheeler's Playhouse, Rye, April 24-27, and Playhouse, Mamaroneck, May 1 and 2.

Also, Consolidated's Surrey, Bronx, April 25-30; Stein's Gem, Frenchtown, April 21 and 22, and Palace, Flemington, April 18-20; and Seider and Interboro circuits dates during the first week in May.

Independents' dates include: Lane, Manhattan, April 24-30; Plaza, Manhattan, May 1-7; City, Highland Falls, April 17-20; New Paltz, New Paltz, April 19-22; Palace, Netcong, April 24-27; Rome, Pleasantville, April 24-27; Valley, Valley Spring, May 1-4; Music Hall, Tarrytown, April 24-27; Pelham, Pelham, April 26-29; Dorset, Manhattan, April 24-30; Kisco, Mt. Kisco, April 17-20; Rex, East Rutherford, May 7-13; Bergen, Tenafly, May 8-11, and Central, Pearl River, May 1-4.

London Opening a Sellout

LONDON, April 18.—The opening of "Gone With the Wind" at the Palace, Empire and Ritz here tonight was a sellout.

Casting Bureau Appointment Hit

(Continued from page 1)

he left his post of State Director of Motor Vehicles.

At the same time Philbrick today appointed Aubrey Blair, more than six years executive secretary of the Junior Screen Actors Guild, as head of the casting division of the Bureau. Blair most recently served as regional director of 11 Western states for the American Guild of Variety Artists.

Philbrick left his state post two weeks ago when it was disclosed he was responsible for placing a dictograph in the hotel room of the speaker of the State Assembly, who is a political foe of Gov. Culbert Olson.

Schenck in a statement said Philbrick was recommended by Edward Loeb, attorney, and the Screen Actors Guild, and that upon Schenck's inquiry, Gov. Olson had recommended him.

Philbrick, who received \$6,000 a year in his state post, will reportedly receive \$12,000 annually as head of the Casting Bureau. He is a former G-man.

'Romeo' Opens May 8

Laurence Olivier and Vivien Leigh, who are currently appearing in "Romeo and Juliet" in Chicago for a two and a half week engagement will bring the show to New York where it will open at the Hollywood on Broadway on May 8. Warners are backing the show.

Theatre Plea Denied

WESTERLY, R. I., April 18.—The Town Council, on recommendation of the Zoning Board, has refused to rezone certain property in the Shelter Harbor section, on which Girard and Mario Nardone proposed to erect a theatre.

Variety Cohorts Take Over Dallas Club Convention

(Continued from page 1)

delphia; Oscar Olson and Frank Fisher, Milwaukee; Walter M. Green and Edward Shafton, Omaha; Roy E. Wells and Albert Hopper, Dayton; J. Lewis Rome and Joe Grant, Baltimore; L. C. Griffith and I. C. Falls, Oklahoma City; Ray Colver and L. K. Ansell, St. Louis; William Carlson, Charles Perry, Detroit; Nat Wolf and Bert Stearn, Cleveland; Jake Levine and Robert Murphy, Buffalo; George Baker and Sam Abend, Kansas City; Marc Wolf and Carl Niesse, Indianapolis; Sam Sabante and A. E. Lichtman, Washington; William Elson and Ed Reuben, Minneapolis.

Much of today's activities were of the sightseeing variety, as well as inspection of the local tent's chief charitable work for the past year.

The three big events of tomorrow will be the Twilight Jamboree, Frontier Frolic and Mexican Fiesta at the Dallas Athletic Club.

Saturday morning the Variety Club National Golf Tournament will be held at the Brook Hollow Golf course. A parade will be the feature of Saturday afternoon's activities and the convention will conclude with the formal annual banquet in the Crystal Ballroom of the Baker Hotel Saturday evening. The banquet highlight will be the presentation of the National Humanitarian Award for 1939 to Martha Berry of Mount Berry, Ga., by John Harris.

A Hollywood group including Y. Frank Freeman of Paramount; James FitzPatrick and Frank Capra are due here tomorrow by plane with several screen luminaries.

Chief Barker Harris and Barker R. J. O'Donnell of Dallas broadcast today over a state network.

More New Yorkers Leave

Barney Balaban, Paramount president; William A. Scully, Universal vice-president; F. J. A. McCarthy, Universal Eastern sales manager, and William J. Heineman, Universal Western sales manager, left for Dallas by plane yesterday to attend the Variety Clubs annual convention there. Herman Wobber, general sales manager, and William Kupper, Western sales manager, of 20th Century-Fox, also were scheduled to leave by plane last night.

American Pictures Party

A cocktail party will be held at the St. Moritz at 4 P. M. today by the American Pictures Corp., newly formed producing company of which Julius W. Levine is president. The company's production plans will be disclosed at the party.

Dismiss Plagiarism Suit

A plagiarism suit brought against Warners and Joe E. Brown by Edward A. Lynch of Philadelphia, a writer, was dismissed yesterday for lack of evidence by Federal Judge Clarence G. Galston in U. S. District court here.

**"Where are all
the people going,
Mr. Cantor?"**



Photo of Capitol crowds opening day. Weather: rain, cold, cloudy!



**"They're waiting
on line to see
'40 Little Mothers'
at the Capitol."**

It's topping **"Babes in Arms," "The Women," "Northwest Passage,"** and M-G-M's Biggest Hits

EDDIE CANTOR in the Story of **"FORTY LITTLE MOTHERS"** with **JUDITH ANDERSON**
Rita Johnson • Bonita Granville • Ralph Morgan • Diana Lewis • Nydia Westman • Screen Play by
Dorothy Yost and Ernest Pagano • Directed by Busby Berkeley • Produced by Harry Rapf.

VIVIEN LEIGH

and



LAURENCE OLIVIER

**TWO ROMANTIC AND GLAMOROUS PERSONALITIES
... TOGETHER IN A GREAT PICTURE !**

The Scarlett O'Hara of "Gone With The Wind" and the star of "Rebecca" and "Wuthering Heights"

and **LESLIE BANKS** *in*

21 DAYS TOGETHER

with **FRANCIS SULLIVAN**

HAY PETRIE • ESME PERCY • ROBERT NEWTON

Based on a story by John Galsworthy • Directed by BASIL DEAN

A COLUMBIA PICTURE



'Date' Frisco High Grosser With \$13,800

SAN FRANCISCO, April 18.—"It's a Date" and "Call a Messenger" drew an excellent \$13,800 at the Orpheum, aided by good weather. "Pinocchio" closed a three-week run at the Golden Gate with \$13,500, while "Road to Singapore" and "Women Without Names" took \$10,000 at the Paramount.

Estimated takings for the week ending April 9-12:

"Pinocchio" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 3rd week. Stage: Vaudeville. Gross: \$13,500. (Average, \$15,000)
"It's a Date" (Univ.)
"Call a Messenger" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$13,800. (Average, \$16,000)
"It All Came True" (W. B.)
"Shooting High" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$13,500. (Average, \$16,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 3rd week. Gross: \$10,000. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: \$9,000. (Average, \$8,000)
"Virginia City" (W. B.)
"Free, Blonde and 21" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: \$5,500. (Average, \$6,000)
"The Bluebird" (20th-Fox)
"Viva Cisco Kid" (20th-Fox)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$11,000. (Average, \$12,000)
"French Without Tears" (Para.)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$800. (Average, \$1,000)
"Sweden, Thou Old, Thou Free" (Foreign)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$700. (Average, \$1,000)

'Cheers' and Heidt \$19,000, Cleveland

CLEVELAND, April 18.—"Rebecca" in the third week drew \$6,500 at Loew's Stillman. Horace Heidt helped "Three Cheers for the Irish" to \$19,000 at the RKO Palace and "Road to Singapore" grossed \$14,000 at Loew's State. Estimated takings for the week ending April 11:

"Virginia City" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: \$3,500. (Average, \$4,000)
"Pinocchio" (RKO)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$10,000. (Average, \$11,000)
"Three Cheers for the Irish" (W. B.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Horace Heidt on stage. Gross: \$19,000. (Average, \$14,000)
"Road to Singapore" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$14,000. (Average, \$11,000)
"Rebecca" (U. A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 3rd week. Gross: \$6,500. (Average, \$4,000)

Legion Approves Nine New Pictures

Nine new films were approved by the National Legion of Decency this week, six for general patronage and three for adults. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Covered Wagon Trails," "Ghost Valley Raiders," "Lightning Strikes," "On Their Own," "The Phantom Rancher," "Pioneers of the West." Class A-2, Unobjectionable for Adults—"Dr. Kildare's Strange Case," "Irene," "The Mind of Dr. Reeder."

New York Review

"Captain Moonlight"

(Hagen-Atlas)

This English importation, produced by Julius Hagen, offers only second-rate entertainment, at best. Set in the England of the early 19th Century, it concerns the depredations of a card sharp and bigamist, whose nemesis is a handsome officer of the English army. The latter, in the unsavory fashion of the screen of many years ago, saves the girl of his dreams from the villain, and accomplishes his undoing.

Henry Edward directed from an adaptation by H. Fowler Mear of a story by Charles Cullum. John Garrick plays the lead, with Leslie Perrins as the cowardly crook. Winifred Shotton is the girl whose father's gambling forces her to marry Perrins to save the ancestral home, and John Stuart plays the title role. His highway activity, strangely enough, is quite incidental to the main thread of the story. The technical quality of the production appears largely on a par with the picture as a whole. Running time, 60 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

Providence Gives \$13,000 to 'Edison'

PROVIDENCE, April 18.—"Young Tom Edison" and "The Secret Four" combined to give Loew's State \$13,000, and "Pinocchio," in its third week at the RKO Albee with "Millionaire Playboy" as co-feature gave the house \$6,200.

Estimated takings for the week ending April 10-11:

"Pinocchio" (RKO)
"Millionaire Playboy" (RKO)
RKO ALBEE—(2,239) (25c-35c-50c) 7 days, 3rd week. Gross: \$6,200. (Average, \$6,000)
"Young Tom Edison" (M-G-M)
"The Secret Four" (Mono.)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$13,000. (Average, \$11,000)
"The Blue Bird" (20th-Fox)
"Free, Blonde and 21" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$5,000. (Average, \$7,000)
"Women Without Names" (Para.)
"Outside the Three Mile Limit" (Col.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$6,230. (Average, \$6,000)
"Zanzibar" (Univ.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Charlie Kemper, Jed Dooley & Co., Wyn, Bach and Ames, the Five Mexallos, and Flo Mayo. Gross: \$6,500. (Average, \$6,500)
"I Take This Woman" (M-G-M)
"Man From Montreal" (Univ.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$3,300. (Average, \$3,500)
"Of Mice and Men" (U. A.) (3 days)
"The Marines Fly High" (RKO) (3 days)
"Seventeen" (Para.) (4 days)
"Broadway Melody of 1940" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,600. (Average, \$1,700)

Lombardo, 'Free' Hit in Indianapolis

INDIANAPOLIS, April 18.—Guy Lombardo's band on the stage and "Free, Blonde and 21" on the screen added up to a smash hit at the Lyric, \$16,000. "Primrose Path" brought \$6,800 to the Indiana.

Estimated takings for the week ending April 12:

"Virginia City" (W. B.)
"Calling Philo Vance" (W. B.)
APOLLO—(1,100) (25c-40c) 7 days. Return engagement. Gross: \$2,600. (Average, \$2,500)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days, 2nd week. Gross: \$6,500. (Average, \$6,000)
"Primrose Path" (RKO)
"The Saint's Double Trouble" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$6,800. (Average, \$5,000)
"Rebecca" (U. A.)
"Men Without Souls" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days, 2nd week. Gross: \$6,700. (Average, \$7,000)
"Free, Blonde and 21" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Guy Lombardo and his Royal Canadians. Gross: \$16,000. (Average, \$8,000)

'True' and Sullivan \$17,000, Pittsburgh

PITTSBURGH, April 18.—Holdover "Rebecca" paced the field at the Warner with \$7,200, while "It All Came True" produced \$17,000 for the Stanley, abetted by Ed Sullivan's stage troupe, despite three days of rain.

Estimated takings for the week ending April 11:

"Slightly Honorable" (U. A.)
ALVIN—(1,850) (25c-35c-50c) 6 days. Gross: \$4,500. (Average, \$7,500)
"Swiss Family Robinson" (RKO)
FULTON—(1,700) (25c-40c) 7 days. Gross: \$5,500. (Average, \$5,000)
"Road to Singapore" (Para.)
LOEW'S PENN—(3,400) (25c-35c-50c). Gross: \$15,500. (Average, \$13,000)
"Virginia City" (W. B.)
RITZ—(800) (25c-35c-50c) 7 days, 3rd week. Gross: \$3,100. (Average, \$4,000)
"It's a Date" (Univ.)
SENATOR—(1,750) (25c-35c-50c) 7 days, 3rd week. Gross: \$3,000. (Average, \$3,800)
"It All Came True" (W. B.)
STANLEY—(3,600) (25c-40c-60c). On stage: Ed Sullivan, Arthur Treacher, Bela Lugosi, Marjorie Weaver, Helen Parrish, Douglas MacPhail, Betty Jaynes, Peg-Leg Bates, Vivian Fay. Gross: \$17,000. (Average, \$17,000)
"Rebecca" (U. A.)
WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week. Gross: \$7,200. (Average, \$4,000)

'Rebecca' Takes \$20,000 in Detroit

DETROIT, April 18.—"Rebecca" and "Granny Get Your Gun" took \$20,000 at the Michigan, the biggest take at the house this year. "Gone With the Wind" in its eleventh week at the Wilson grossed \$18,000.

Estimated takings for the week ending April 11:

"My Little Chickadee" (Univ.)
"Men Without Souls" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Of Mice and Men" (U. A.)
"The Shop Around the Corner" (M-G-M)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$7,000. (Average, \$7,000)
"Too Many Husbands" (Col.)
"Viva Cisco Kid" (20th-Fox)
FOX—(5,000) (20c-55c) 8 days. Gross: \$15,000. (Average, \$15,000)
"Rebecca" (U. A.)
"Granny Get Your Gun" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$20,000. (Average, \$12,000)
"Virginia City" (W. B.)
"The Farmer's Daughter" (Para.)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$8,000. (Average, \$7,000)
"Northwest Passage" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c). Gross: \$10,000. (Average, \$10,000)
"Gone With the Wind" (M-G-M)
WILSON—(1,912) (75c-1.10-1.50) 7 days, 11th week. Gross: \$18,000

'Date' Scores Big \$22,000, Philadelphia

PHILADELPHIA, April 18.—Warm and wet weather hurt grosses considerably. The best business was registered by "It's a Date" at the Fox with \$22,000, while "Rebecca" is holding up well at the Boyd, doing \$19,000 on a holdover. "Charlie Chan in Panama," aided by a Major Bowes' unit on the stage, gave the Carman \$8,400.

Estimated takings for the week ending April 11:

"Sidewalks of London" (Para.)
"Dr. Kildare's Strange Case" (M-G-M)
ALDINE—(1,700) (32c-42c-57c-68c) 4 days, \$4,600; 3 days, \$3,600; 7 day average. Gross: \$8,200. (Average, \$8,000)
"Young Tom Edison" (M-G-M)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd run. Gross: \$3,100. (Average, \$2,600)
"Rebecca" (U. A.)
BOYD—(2,400) (32c-42c-57c-68c) 2nd week, 4 days, \$11,800; 3rd week, 3 days, \$7,200; 7 day average. Gross: \$19,000. (Average, \$13,000)
CARMAN—(2,500) (26c-32c-42c) 7 days. Major Bowes' "Jamboree of 1940" unit on stage. Gross: \$8,400. (Average, \$5,200)
"Gone With the Wind" (M-G-M)
EARLE—(4,000) (75c-1.14) 7 days, 12th week. Gross: \$17,600. (Average, \$14,000)
"The Man Who Wouldn't Talk" (20th-Fox)
FAY'S—(2,000) (15c-25c-32c-40c-57c) subsequent run, 7 days, with vaudeville bill including Valerie Parks, Marty May, Barr & Estes, Doris Mae, Motter & Davis. Gross: \$7,450. (Average, \$7,200)
"It's a Date" (Univ.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$22,000. (Average, \$13,000)
"The House of Seven Gables" (Univ.)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$3,800. (Average, \$3,000)
"The Blue Bird" (20th-Fox)
"Virginia City" (W. B.)
KEITH'S—(2,200) (32c-42c-57c-68c) 5 days, 2nd run, \$3,100; 2 days, 2nd run, \$1,500; 7 day average. Gross: \$4,600. (Average, \$3,500)
"Virginia City" (W. B.)
"Pinocchio" (RKO)
STANLEY—(3,700) (32c-42c-57c-68c) 3rd week, 4 days, \$7,200; 3 days, \$8,600; 7 day average. Gross: \$15,800. (Average, \$14,000)
"Slightly Honorable" (U. A.)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$5,100. (Average, \$4,500)

'Pinocchio' Gives Montreal \$10,800

MONTREAL, April 18.—"Pinocchio" at Loew's took \$10,800. "Gone With the Wind" opened its second run at His Majesty's and grossed \$9,500 for the first four days at \$1.13 top. Third week of "Rebecca" brought \$3,800 to the Orpheum.

Estimated takings for the week ending April 12:

"Sidewalks of London" (Para.)
"The Farmer's Daughter" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$5,700. (Average, \$8,000)
"Gone With the Wind" (M-G-M)
HIS MAJESTY'S—(1,700) (75c-1.13) 4 days. Gross: \$9,500. (Average, \$9,500)
"Pinocchio" (RKO)
LOEW'S—(2,800) (25c-30c-40c-60c) 7 days. Gross: \$10,800. (Average, \$8,000)
"Rebecca" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 3rd week. Gross: \$3,800. (Average, \$5,000)
"Strange Cargo" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$7,900. (Average, \$10,000)
"Castle on the Hudson" (W. B.)
"Private Detective" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$2,800. (Average, \$5,000)

Polish Dancer Due

Toni Noviska, Polish dancer, left Milan Tuesday on the *Conte de Savoia*, en route to Hollywood to be tested for the lead in the David Loew-Albert Lewin film, "Flotsam." She is due to arrive April 25.

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War Hits Chicago Scandinavia House

By WILLIAM F. CROUCH

CHICAGO, April 18.—Concern is felt by Essaness executives over the present developments in the European war. Their Julian theatre is the leading showplace for Scandinavian films in this country and the present situation may cause a cessation of such product and spoil the market they have developed among the 350,000 Scandinavians residing in this territory.

Col. H. A. Cole, Allied president, is here after visiting with Abram F. Myers, Allied general counsel in Washington. Cole is conferring while in Chicago with Jack Kirsch, president of Allied Theatres of Illinois on plans for the national convention of Allied which will be held here June 19-21, at the Morrison Hotel.

Roy Bruder, manager of the Chicago Theatre, is leaving about June 1 to take over the operation of a new recreation center in East St. Louis, Ill. Bruder will resign as manager of the Chicago, which position he has held for a number of years. No successor has been named. He is a brother-in-law of John Balaban.

The Orpheum in East St. Louis is being remodeled for the bowling alleys, restaurant and cocktail bar and lounge and will be ready for opening July 1.

Sam Myers, independent circuit operator, will break the ground for his new theatre, the Glenwin, in Glencoe, a Chicago suburb, shortly. Myers will spend \$150,000 on the new theatre.

Pittsburgh's Stage Units to Be Dropped

PITTSBURGH, April 18.—An experiment in presenting stage shows one night a week at each of its six neighborhood theatres probably will end after the month trial period, unless succeeding weeks fare better at the box-office than the first, officials of the Harris Amusement Co. stated.

The initial show, "Hollywood Doubles," played at the William Penn, the Perry, the Liberty, the Denis, and the Jeannette Harris. Following will be Emerson's Mountaineers, NBC Radio Stars, Cappa Barra and his harmonica band, and "Radio Rubes," from NBC.

Units and revues are playing regularly at Warner theatres in Erie, Johnstown, Greenburg and Morgantown, and at other independent houses in the Tri-State area.

Win "Ninotchka" Test

Julius Daniels and Samuel Greenfield, managers of the Strand and Dittmas, respectively, in Perth Amboy, N. J., have won the special "Ninotchka" promotion contest sponsored by Loew's among 19 first run Walter Reade Theatres in New York and New Jersey. LeRoy Blumenheim, manager of the Strand, Plainfield, N. J., took second prize.

Complete Franklin Film

HOLLYWOOD, April 18.—Franklin-Blank Productions, Inc., of which Harold B. Franklin is head, has completed production of "The Villain Still Pursued Her," for RKO release. Edward Cline directed a cast headed by Hugh Herbert and Anita Louise.

Theatre and Personnel Notes

Takes Cincinnati Suburban

CINCINNATI, April 18.—Roselawn Amusement Co., headed by Maurice A. Chase, has negotiated a 20-year lease on a 650-seat house to be built in suburban Roselawn by the Alpine Realty Co. The theatre company operates the suburban Avon and Crescent here, and four houses in Columbus, O.

Keilhack Is Transferred

KANSAS CITY, April 18.—Francis Keilhack, salesman here for National Theatre Supply Co., has been transferred to Chicago. Cliff Gano, formerly here, but at Detroit the past year, returns to Kansas City to replace Keilhack.

Plans South Carolina House

TIMMONSVILLE, S. C., April 18.—F. A. Greene, owner of the State here, has acquired a portion of the Ragsdale property for a theatre building. Work on the project will get under way at once.

Cincinnati House Ready

CINCINNATI, April 18.—The 1,000-seat suburban Sunset, being built by Ackerman Enterprises, Inc., at a cost said to be in excess of \$110,000, will be opened about May 1, according to Charles G. Ackerman, manager. The company also operates the nearby Glenway.

Building Missouri House

KANSAS CITY, April 18.—Sam Sosna, who operates the Sosna at Manhattan, Kan., and Louis Sosna, his brother, who operates the Sosna at Moberly, Mo., are remodeling a building at Mexico, Mo., for a 450-seat theatre, costing \$12,000.

Plan Three in Georgia

ATLANTA, GA., April 18.—Construction will start soon on three new community theatres as the result of leases signed by Mion & Murray, Inc., local theatre operators. The three leases are for 15 years and call for rentals aggregating \$218,500, while cost of the projects will approximate more than \$100,000. The theatres will be in the Little Five Points section, another in East Point and the third in Decatur.

Two Open in Kansas

KANSAS CITY, April 18.—With Spring, reopenings include the Kansas, Commonwealth Amusement house at Ellsworth, Kan., which formerly was the Uptown. Partnership-Morley has reopened the Whiteway at Fredonia, Kan., for a full week policy. It has been showing two days a week.

Acquires Newton Theatre

St. Cloud Theatre Corp. has acquired the Newton, 900-seat house in Newton, N. J., from Sidney Samuelson. Al Sloan heads St. Cloud.

Altec Sets Detroit Deal

United Detroit Theatres Corp. has signed for the continuation of Altec sound service for 17 houses. F. C. Dickey represented Altec.

Nat Rubin Joins Circuit

PHILADELPHIA, April 18.—Nat Rubin Joins the Affiliated Theatre Circuit as manager of the group's Frolic Theatre, replacing Cy Cohen, who resigned.

Schine House Burns

LAUREL, DEL., April 18.—Schine's Waller Theatre, here, in the heart of the business district, was destroyed by fire with an estimated loss of \$50,000. Manager Herbert Brown said nothing was saved.

Change Des Moines Price

DES MOINES, April 18.—New matinee prices and the balcony in the evening are now in effect at both the RKO Orpheum and Tri-States Paramount. The matinee daily price, 26 cents, formerly good until 2 P. M., has been extended until 6 P. M. and the balcony seats are now 26 cents in the evening.

Buys Iowa Theatre

MANSON, IOWA, April 18.—William McGraw, operator of a theatre at Lake City, Iowa, a few years ago, has bought the Manson theatre from W. H. Smith.

Starts Summer Schedule

ELDORA, IOWA, April 18.—Leo F. Wolcott, operator of the New Grand, has changed programs to a summer schedule with the evening shows starting at 7:30 and the second feature at 9:30 to accommodate the rural customers.

Plan Canadian 'Period' House

TORONTO, April 18.—For the first time in the 20-odd years of Famous Players Canadian Corp. the circuit is constructing a "period" theatre in the construction of the Seneca Theatre at Niagara Falls, Ont., to open this summer. The furnishings and decorative motif will all follow a tribal theme. It will seat 1,000.

Warners Building in Bristol

BRISTOL, Conn., April 18.—Construction of Warner's new 800-seat theatre, to replace the Bristol recently burned down, will be started shortly, according to B. E. Hoffman, Warner Theatre Department executive.

Renovate Warner House

PHILADELPHIA, April 18.—The Stanley-Warner Commodore Theatre has been newly decorated and the lobby completely renovated.

Open Canadian House

TORONTO, April 18.—The Biltmore, independent house built by Henry Falk, has opened at Oshawa, Ont., where two circuit theatres are in operation. The manager of the Biltmore is George F. Law, formerly with Universal in Winnipeg and more recently with a theatre organization in Toronto.

Takes 14th St. Theatre

New 14th St. Theatre, East 14th St., Manhattan, has been taken over by Rose Lux Amusement Corp., headed by Alvin Locke, Brooklyn theatre operator. Former operator was Lilmac Amusement Corp., L. Gledzahler, principal.

Plan Texas Drive-In

SAN ANTONIO, April 18.—A third drive-in theatre will begin construction here in 60 days for the Texas Drive-In Co. of Corpus Christi, Tex. The second one will be built in Houston.

Demolish Newport House

NEWPORT, R. I., April 18.—E. M. Loew's Colonial, in operation here since 1910, will be demolished to make way for a department store. Loew will shift operations on April 21 to the Paramount which has been dark for more than a year.

Buy East Side Theatre

The Public, 1,850-seat theatre at 2nd Ave. and 4th St., has been acquired by the Leroy Seventh Corp., of which William Rowland is managing director. The Second and Fourth Corp. formerly operated the house.

Remodel Missouri House

KANSAS CITY, April 18.—J. A. Becker, manager of Associated Theatres, Independence, Mo., will supervise the remodeling of the Granada there. A new front and extension of the building to permit addition of 400 seats will cost \$50,000. Work will start May 1.

Group Takes Washington Unit

SEATTLE, April 18.—Leasing of Benjamin Fey's Renton Theatre, in Renton, Wash., to a group of investors known as the New Enterprises, Inc., was announced here. The new owners will turn the house over to Jensen-Von Herberg circuit for operation, effective on June 1.

Drive-In Ready in May

CINCINNATI, April 18.—The 500-car suburban drive-in, the first open air automobile theatre in this territory, being built at an estimated cost of \$75,000 by Mid-West Drive-In Theatres, Inc., headed by Phillip Smith, New England theatre owner, is scheduled for opening in May.

Milwaukee Drive-In Ready

MILWAUKEE, April 18.—Wisconsin's first drive-in theatre is scheduled to open May 10 several miles west of here, according to Phillip Smith, president of the Midwest Drive-In Theatre Corp. The theatre will accommodate 500 cars and the 100-foot screen building will have a 50 by 60-foot screen.

Plan New Florida House

PAHOKEE, Fla., April 18.—Management of the Prince theatre plans a new theatre structure to replace the present building.

Doob Transfers Two

Changes made in Oscar A. Doob's publicity department at Loew's include the promotion of Bob Frankl to junior publicity man and Leonard Mayer transferred to North Queens.

Northio House Reopens

MIDDLETON, O., April 18.—The Gordon, one of the four local Northio units, dark for several weeks, has reopened with double features.

Radio Brevities

CANADIAN radio listeners have won a concession from the Government in the matter of licensing fees for receiving sets. A single fee of \$2.50, will be charged for all the sets in a private residence instead of a separate charge for each one. Additional licenses will still be required for sets in automobiles, and a large fee for sets in public places is being considered.

Where the same building houses more than one family, such as in the case of hotels, and apartment houses, separate fees will be required, and this rule will also apply to sets used by boarders with private families.

Personalities in the News

Andre Kostelanetz has invited Cole Porter, Richard Rodgers, Jerome Kern, Arthur Schwartz and Irving Berlin to select their favorite compositions from their own works for presentation on "Tune Up Time" over CBS. Ira Gershwin will make the selections from the works of his brother, George. First of the programs featuring these songs will be on April 29. . . . Hal Janis, WMCA sports director, became the father of a seven pound boy on Wednesday. . . .

Earl B. Salmon, has been appointed to WOR's electrical transcription department and George H. Allen, formerly with National Theatre Supply Co., has been named to the promotion department. . . . Harper Bros. has announced the publication of a book, "Unto the Hills," which will contain 250 of the Sunday sermons given by Richard L. Evans from the Salt Lake City Tabernacle over CBS. . . . Bill Thompson and Harold Peary of the "Fibber McGee and Molly" show have been signed by Paramount for the new Bob Burns' picture, "Comin' Round the Mountain."

New Television Commercial

Another experiment with commercial announcements on television will be tried this afternoon during the telecast over W2XBS of the Giants-Dodgers baseball game from Ebbets Field. Compton Advertising has prepared a series of dramatized announcements to be interspersed with the comment accompanying the game. The commercials will be on behalf of Ivory Soap.

Windfall for Anna

Anna Heller, night telephone operator at WMCA will be \$5,000 richer soon, and can thank the CBS show, "Court of Missing Heirs" for it. The program consists of dramatizations of situations where money is left by decedents but the heirs are unknown. Mrs. Heller, because of her night-time duties did not listen to the program, but friends did! It developed that her aunt had died, leaving an estate of \$5,000 and that Mrs. Heller is the sole heir. She promises to remain with WMCA—at least until she collects the \$5,000.

Two Leave Monogram

HOLLYWOOD, April 18.—Jane Dailey and Lyle Frost, of the Monogram studio publicity department, have resigned. No replacements are planned. William Peirce continues in charge of studio advertising and publicity.

CBC Sets Details On War Programs

TORONTO, April 18.—Details have been worked out by the Canadian Broadcasting Corp. for direct overseas service for the duration of the war, with regular programs being sent from and to Canada. Arrangements were made with the BBC and the National Broadcasting System by E. L. Bushnell, CBC supervisor of programs.

Announcers Gerald Wilmot and Jerry Arthur of CBC and A. E. Altherr, engineer, have been appointed to the CBC Overseas Unit and will be under the direction of R. T. Bowman, who went to England with the First Canadian Division last November. Equipment for a mobile broadcasting unit has been shipped to England. Four programs will be contributed to the BBC each week for use in the British Isles and Europe and for short-wave transmission to CBC while the mobile unit with the Canadian forces will provide three programs weekly for listeners in the Dominion.

Make Fewer Films, Wood Tells Schenck

COLUMBUS, April 18.—Exhibitors would be able to give more extended playing time to films if the major companies reduced the number of their features, P. J. Wood, business manager of the I.T.O. of Ohio, declares in a letter to Joseph M. Schenck, 20th Century-Fox chairman of the board.

Wood's comment is in connection with the statement made by Schenck at the 20th Century-Fox sales convention in Chicago last weekend that exhibitors should help distributors in sharing the burden resulting from reduced foreign revenue.

Wood suggests that if the number of features produced annually were less, exhibitors would have open dates for extended playing time to quality product.

'Primrose' Buffalo Winner at \$11,000

BUFFALO, April 18. — "Primrose Path," double-billed at the Twentieth Century, did \$11,000. "It's a Date" pulled \$9,900 at the Lafayette, while "Road To Singapore" made \$7,800 in a second run at the Hippodrome.

Estimated takings for the week ending April 12:

"My Son, My Son" (U.A.)
"The Dominant Male" (M-G-M)
BUFFALO—(3,000) (30c-35c-55c) 7 days.
D'Artega & Orch. in Sweet & Swing, Yost Singers, Gertrude Lutzi, Meyer Balsom and Peggy Stewart. Gross: \$12,700. (Average, \$12,000).

"Virginia City" (W.B.)
"Free, Blonde and 21" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days.
2nd week. Gross: \$6,500. (Average, \$7,500)

"Road to Singapore" (Para.)
"Parole Fixer" (Para.)
HIPPODROME—(2,500) (25c-35c) 7 days.
2nd run. Gross: \$7,800. (Average, \$6,800)

"Primrose Path" (RKO)
"The Marines Fly High" (RKO)
TWENTIETH CENTURY—(3,500) (25c-35c) 7 days. Gross: \$11,000 (Average, \$7,500)

"It's a Date" (Univ.)
LAFAYETTE—(3,300) (25c-35c) 7 days.
Gross: \$9,900. (Average, \$6,300)

4 A's Dance Sunday

First annual entertainment and ball of the Associated Actors and Artistes of America will be held Sunday at the Waldorf-Astoria. Performers from every phase of the entertainment world will be present, many having come from the Coast for the occasion.

Resume Clearance Talks for Canada

TORONTO, April 18.—Revival of negotiations for clearance reform in Canada, including regional conciliation boards, is being resumed following the return of Harry Alexander and N. A. Taylor, president and vice-president, respectively, of the Independent Theatres Association of Ontario. Agreement on various details had been reached by representatives of the film distributors, circuits and the independents prior to the departure of the association officers for the South. Famous Players Canadian Corp., through President N. L. Nathanson, has opposed the establishment of regional boards for the settlement of disputes on priority rights and has urged one central bureau to handle problems.

A committee of the association, comprising Ben Ulster and Harold Kay, has drawn up a plan for an official request to the Ontario and Municipal Governments to restrict motion picture slot machines if and when they are introduced in the Dominion. It was pointed out that Toronto already has an annual tax of \$5 for the operation of a slot machine but the law is not enforced because of a legal technicality.

Film Council to Meet

Fifth annual conference of the Metropolitan Motion Picture Council will be held the evening of April 25 in the auditorium of the New York University School of Education at Washington Square. The program, under the chairmanship of Miss Eleanor D. Child of Greenwich, Conn., will deal with school-made films.

Newsreel Parade

Significant events in Europe, particularly the rushing of defenses and troop maneuvers, are shown in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 64.—Queen Wilhelmina inspects defenses. King Leopold maintains armed vigilance. King Christian in review of forces. New reserves in England. British women train for war duty. Dutchess of Kent at women's war headquarters. Ski patrols in the French Alps. Franco observes anniversary of civil war's end. Sultan of Morocco gets first plane ride. Jonquills in bloom. Polo game for charity in Hollywood. Baseball games. Jamaica track opening.

NEWS OF THE DAY, No. 262.—European monarchs inspect forces. French troops in Syria. Census checkup at Marine-land, Fla. Fashions. Baseball games. Horse racing starts at Jamaica.

PARAMOUNT NEWS, No. 67.—Britain transports troops. Gamelin inspects Canadian troops. Alpine troops drill for Arctic duty. Winston Churchill at British shipyards. French navy relieves British in blockade duty. Balkans fear shift in war theatre. Belgium calls reserves. Fritz Thyssen in Paris. Girls shave French soldiers. Art competitions in New York. Baseball games. Jamaica track opens.

RKO PATHE NEWS, No. 78.—Baseball season opens. New mayor for Wisconsin town. Danube floods Balkans. Beauty shop for French soldiers. Canadian troops drill in England. German financier in Paris. Belgium increases coast defenses. Pari-mutuels at Jamaica.

UNIVERSAL NEWSREEL, No. 868.—Belgium rushes troops to the border. Italian fleet maneuvers. Nazi industrialist finds refuge in Paris. French soldiers get beauty treatment. Danube floods Belgrade. Army tests new pursuit plane. Fashions. Clams washed ashore in New Jersey. Charity polo game in Los Angeles. Motorcycle race in Memphis. Baseball season opens.

IN OLD MISSOURI

WEAVER BROTHERS and ELVIRY



with

JUNE STOREY
MARJORIE GATESON
THURSTON HALL
THE HALL JOHNSON CHOIR
DIRECTED BY FRANK McDONALD

A Republic
PICTURE



Look at it from any Angle!

Flash . . . glamour . . . color is the life-blood of showmanship and that's what we're selling in **Trailers, Lobby Displays** and **Accessories**. ¶ Use them like the successful merchant uses his show windows. Put your show on display. Dress up your lobby. Dress up your screen. A catch-line . . . a picture will get the prospect who shops for entertainment. ¶ Maybe he's twenty percent of your audience . . . maybe he's only ten. But it's the "shopper" who makes the difference between big grosses and average takes . . . sometimes the difference between profit and loss. ¶ And **NATIONAL SCREEN SERVICE** gives you those catch lines . . . that color . . . that flash . . . In **TRAILERS** . . . in **LOBBY DISPLAYS** . . . in **GENERAL ACCESSORIES**. On a straight rental basis . . . from one set of exchanges. They cost you little . . . they sell extra tickets. ¶ Every exhibitor can afford the **Best Ticket Sellers in the Business** . . .

NATIONAL SCREEN SERVICE
Advertising Accessories, Inc.
NATIONAL SCREEN ACCESSORIES

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 79

NEW YORK, U.S.A., MONDAY, APRIL 22, 1940

TEN CENTS

English C. E. A. Attacks High Film Rentals

'Wind' Terms Singled Out As Unreasonable

LONDON, April 21.—Cinematograph Exhibitors Association today fired its opening shot in a campaign against distributors for lower film rentals. An appeal was issued to exhibitors not to pay high rentals generally and specifically not for "Gone With the Wind."

A pamphlet issued by the C.E.A. attacks Sam Eckman, M-G-M managing director here, claiming that his salary of \$46,000 a year is more than that received by the British Cabinet.

The appeal advises exhibitors to refuse 70 per cent and higher admission terms for "Gone With the Wind," claiming that M-G-M is already "milking" the London public and suggesting that M-G-M and other companies will follow this precedent on other pictures.

(Continued on page 5)

20th-Fox Depends On Market at Home

Dependence on the American markets for the total revenues of 20th Century-Fox during the new season is emphasized as a basic company policy for 1940-'41 in messages to the company's sales force from Sidney R. Kent, president; Joseph M. Schenck, chairman of the board, and Herman Wobber, general manager of distribution, in the current issue of *Dynamo*, the company's sales organ.

The company officials assert that the test of whether or not the industry is to survive will be met and decided on that point within the next few months.

With 20th Century-Fox this means a 40 per cent increase in domestic revenue during the new season, since the company's normal returns from

(Continued on page 5)

S.M.P.E. Will Open Convention Today

ATLANTIC CITY, N. J., April 21.—An address by Thomas F. Joycc, vice-president and advertising director of the RCA Manufacturing Co., on "The General Outlook for Television," will highlight the opening sessions today of the four-day annual Spring convention of the Society of Motion Picture Engineers at Haddon Hall here.

Joyce will speak at an informal luncheon at which Mayor Charles D.

(Continued on page 6)

Variety Clubs Pledge To Raise \$400,000 For Charity Fund

DALLAS, April 21.—The Variety Clubs, ending their annual convention here last night, subscribed \$400,000 for humanitarian work which will be raised through local efforts, continuing the Clubs' charities which have been a major aim of the organization. The Dallas Club subscribed \$60,000.

John H. Harris of Pittsburgh was reelected national Chief Barker and R. J. O'Donnell of Dallas was elected first assistant Chief Barker.

Atlantic City was chosen as the 1941 convention city, with Hollywood recommended for the convention in 1942. It was voted to extend the scope of the organization with clubs to be established in New York, Chicago, Boston, Hollywood, Denver, Charlotte, N. C., and New Haven.

Other officers elected include: Harry Kalmine, Pittsburgh, Assistant Barker; Ed E. Ruben, Minneapolis, Property Man, and James N. Balmer, Pittsburgh, Dough Guy.

An estimated half million persons witnessed the convention parade Saturday afternoon. The "Frontier Celebration" Friday night was acclaimed by the delegates as the biggest thing ever done at a Variety Club convention.

Dallas returned to its peaceful routine today following the closing last

(Continued on page 6)

Dembow, Brenner Promoted by NSS

The board of directors of National Screen Service Corp. has elected George F. Dembow, general sales manager, and William B. Brenner, general executive, as vice-presidents. Dembow becomes vice-president in charge of sales, and Brenner vice-president in charge of operations.

Dembow spent many years with the old Fox company, then joined Gold-

(Continued on page 5)

Monogram Sales Quota \$9,225,000

DALLAS, April 21.—Monogram's sales quota for the 1940-'41 season has been set at \$9,225,000. W. Ray Johnston, president, told the franchise holders' convention today at the Baker Hotel here. The figure is \$375,000 more than last year, and more than \$3,000,000 over the quota of 1937, when the reorganized company held its first convention.

The representatives of the 36 American and Canadian branches will con-

(Continued on page 6)

SUIT SETTLEMENT UNLIKELY-ARNOLD

Thurman Arnold



Photo by Floyd Stone

Assistant U. S. Attorney General leaving the Federal Courthouse after the hearing on Government suit trial postponement.

Judge Knox Orders Trial Postponement from May 1 to June 3

Thurman W. Arnold, Assistant Attorney General in charge of the anti-trust division, declared here on Friday that it was his personal belief that the anti-trust suit against the majors would not be settled.

Federal Judge John C. Knox also on Friday ordered a postponement of trial of the suit to June 3 after hearing an application by defendants for a 60-day adjournment. He was emphatic that the trial would proceed on that date.

Arnold told reporters that discussions are still continuing in Washington on a possible settlement but he left no room for doubt that he felt the outcome would be unsuccessful.

He refused to say whether theatre divorcement would be required by the Government in any consent decree and declared that he could not discuss terms of a possible settlement.

Judge Knox, in granting a postponement after a hotly fought legal battle, warned all parties that no further adjournments would be given. He told attorneys present to prepare for a

(Continued on page 5)

U. S. Backed Down On Code, Says Kent

The Government was charged with backing down on its approval of the proposed industry fair trade practice code after it had been formulated, in a statement made by Sidney R. Kent, president of 20th Century-Fox, during continuation of pre-trial examinations Friday in the Government's anti-trust suit against the majors.

Kent testified as the first witness for the defense when attorneys for the majors questioned him after the Government had completed his examination. Defense attorneys interrogated Kent because, they said, he may not be able to attend the trial of the suit.

In testifying for the defendants, Kent emphatically denied all charges of monopoly or discrimination. Theatres were bought by companies "in active competition with each other," he said, in refuting a contention that the majors had divided the territory between themselves.

The 20th Century-Fox executive also supplied information on the costs of prints for the 1938-'39 season in line with his previous statement that

(Continued on page 5)

Suit Developments:

Highlights in developments of the Government's anti-trust suit on Friday were:

Thurman W. Arnold stated that it was his personal belief that the suit could not be settled.

Judge Knox ordered postponement of the trial until June 3.

Arnold told Judge Knox that theatre divorcement was the most important issue in the suit.

The defense revealed that its attorneys are working in 30 cities collecting evidence and investigating Government witnesses.

Sidney R. Kent, continuing his testimony, charged the Government with reneging on its approval of the proposed industry fair trade practice code.

Defendants have been served with 25-page subpoenas calling for records.

British Learn About French from Screen

London, April 21.—British troops are being shown French films with the object of getting them attuned to French ways and customs. Such a show was staged in Glasgow recently when "Hostages" was screened under the auspices of the Scottish Films Council. The film was supplied by the French Ministry of Information.

Airlines Newsreel Theatre Planned

A newsreel house, the Airlines Theatre, will be included in the new Airline Terminal Building, opposite Grand Central Station, when it is opened about Labor Day. The cornerstone of the building will be laid today by Mayor F. H. LaGuardia. The house will be operated by the present operators of the Grand Central Terminal Theatre.

David Dubin, now managing the Grand Central, will be general manager of both theatres. The new building will contain the ticket and sales offices for American, Transcontinental & Western, United, Eastern and Pan American airlines.

The latest newsreel house to open in the city is the New York Theatre, which started operations at noon on Friday. It is operated by the Brandt circuit. With the addition of the New York, there are now seven newsreel theatres in the metropolitan area with the Airlines slated to be the eighth.

Ritz-Mayfair Fight Arbitrators Named

HOLLYWOOD, April 21.—The dispute over the termination of the contract of the Ritz Brothers with Mayfair Productions, headed by Jules Levy, is now in the course of arbitration. E. J. Mannix is representing Mayfair, Ben Holman is acting for the Ritz Brothers, and State Senator Robert Kenney is the neutral arbitrator.

Evidence is being presented as to whether Levy was justified in dismissing the Ritz Brothers from the cast of "The Boys from Syracuse," now in production for Universal release.

20th-Fox Meeting In Havana Thursday

Walter J. Hutchinson, 20th Century-Fox director of foreign distribution, will fly to Havana today or tomorrow to attend the company's Central American sales convention, which starts Thursday for three days.

Irving A. Maas, assistant to Hutchinson, left by plane over the weekend to assist in preparation for the meeting.

E. F. Lomba, special representative, and a number of managers will attend.

Parade Postponed

To allow for more extensive participation, the Broadway parade of the Broadway Association, originally scheduled for Friday, has been postponed indefinitely. About 45 automobiles carrying stage and screen stars will be in the parade, it is expected.

Purely Personal

BARNEY BALABAN, Paramount president, returned from Dallas by plane yesterday. He plans to leave for the Coast early in May for product conferences with Y. FRANK FREEMAN.

W. A. SCULLY, Universal vice-president and general sales manager; F. J. A. MCCARTHY, Eastern sales manager, and W. J. HEINEMAN, Western sales manager, will arrive from Dallas today.

MAXWELL SETTON, managing director of Mayflower Pictures Corp., left on the *Manhattan* Saturday for his headquarters in London. He conferred on the Coast with ERICH POMMER.

E. S. GREGG, general foreign manager of Erpi, has completed the first half of a tour of South and Central America, and is expected back here about May 10.

SAMUEL ROSEN, AL REID, LOU GOLDING and HARRY BLACK, Fabian circuit executives, were visitors at the RCA plant in Camden as guests of RCA Photophone officials.

MORRIS GOODMAN, vice-president in charge of foreign sales for Republic, will return here about the middle of June, completing a four-month tour of South America.

FRANK V. KENNEBECK, Paramount manager in Calcutta, is en route from his post to the home office for conferences with JOHN W. HICKS, foreign department head.

P. E. SHEA, general director of engineering for Erpi, left for the Coast Friday for conferences with studio engineers. He will be gone about a week.

Fund Film Committee In Meeting Today

Sub-chairmen and committeemen of the motion picture division of the Greater New York Fund will be named at a luncheon meeting today at the Astor.

J. Robert Rubin, vice-president and general counsel of Loew's and chairman of the division, will preside. About 25 film executives will attend with Winthrop Rockefeller.

American Pictures Plans Gompers Film

"The Life of Samuel Gompers" will be the first of a number of films on prominent Americans planned by the newly-formed American Pictures Corp.

Geza Herczeg, who wrote the screenplay of "The Life of Emile Zola," is writing the story for the initial film. Production is scheduled to start June 1 at an Eastern studio.

Freudeman Leaves Para.

HOLLYWOOD, April 21.—A. E. Freudeman, for 15 years Paramount studio art director in charge of interior decorations, has resigned. The first art director for William Fox in New York, Freudeman held similar posts at Columbia and with B. P. Schulberg.

JOSEPH H. SEIDELMAN, Universal vice-president and foreign manager, who had planned to leave for Europe this week, has postponed his departure indefinitely.

M. L. SIMONS, editor of the *Distributor*, M-G-M house organ, returns to his office today after a two-week vacation trip.

JOHN EBERSON, theatre architect, has formed a partnership with his son, DREW. The new firm name will be John and Drew Ebersson.

LEE GOLDBERG, operating the Big Feature Rights Exchange in Cincinnati, is celebrating his 25th year in the independent exchange field.

A. A. SCHUBART, manager of exchange operations for RKO, was in Boston on business over the weekend.

LEON NETTER, Paramount home office theatre executive, is expected back today from a Southern business trip.

HARRY MICHALSON, short subject sales manager of RKO, spent the weekend in Atlantic City with Mrs. MICHALSON.

EDWARD SELETTE, manager of Warner's Albany Theatre, is back at his post after having been in the hospital four weeks with a sprained knee.

LEO MITTLER, screen writer now with Realfilm Productions, will leave for the Coast on Wednesday.

AURIOL LEE, theatrical producer and director, sailed for Bermuda Saturday on the *President Roosevelt*.

LEE GARMES, producer, has returned here from the Coast.

European War Cited In Philadelphia Suit

PHILADELPHIA, April 21.—Rose J. Hexter, operator of the Breeze Theatre here, has filed suit in Common Pleas court against Universal, claiming damages of \$1,950 because the distributor failed to deliver "All Quiet on the Western Front" according to contract early in September when the European war broke out, holding up the film until December.

The suit claims exhibition of the film at the time the war started would have increased the normal two-day run earnings of the Breeze from \$50 to \$2,000. The suit also demands interest on the alleged loss from the September date.

James Savage Dies

BUFFALO, April 21.—James S. Savage, Sr., 78, well known South Buffalo showman, died in Mercy hospital here two hours after he was found shot through the temple in the bedroom of his home. He retired several years ago.

Edward Emery Dead

MANSFIELD, O., April 21.—Edward Shepler Emery, 64, former operator of the Royal here, died at his home following a long illness. His wife and three daughters survive.

Publicity Guild Here Prepares Contract

Contracts for recognition as collective bargaining agency and providing for wage and hour scales are in preparation by the newly formed Screen Publicists and Advertising Guild here and will be presented shortly to home offices. Negotiations with the Screen Publicists Guild on the Coast have been completed and it is expected that the two organizations will become affiliated at the next meeting of the Coast Guild, which will be held within two months, a spokesman for the Eastern group declared.

The executive board of S.P.A.G. held its first meeting late last week. It consists of two members from each of the companies and one delegate representing free-lance publicists. A total membership of 200 is claimed with a majority in the publicity and advertising offices of five companies. Wage scales demanded will be considerably lower than those of the S.P.G. on the Coast, it was said.

20th-Fox Arranging 'Russell' Premieres

Earle W. Wingart of the 20th Century-Fox publicity department arrives in Clinton, Ia., today to arrange for the premiere of "Lillian Russell," to be held there and in Pittsburgh May 15. Rodney Bush, exploitation and publicity manager, and Christy Wilbert will leave tomorrow for Pittsburgh.

Celebrations will be held at both cities, with a showboat parade on the Mississippi at Clinton. Don Ameche, Lynn Bari and others from the studio will attend the Iowa premiere, and Alice Faye and others will go to Pittsburgh.

Australian Circuit Merger Pact Drawn

Contracts for the proposed merger between Hoyts Theatres and Greater Union Theatres in Australia should be completed and ready for submission for approval of directors of 20th Century-Fox within the next week or 10 days.

After the contracts are ready, several months will be needed to obtain the necessary consents to the plan from stockholders and directors, an executive said.

Meeting Dates Changed

Motion Picture Associates has changed its meeting date to the fourth Friday of every month at the Hotel Astor, beginning next Friday.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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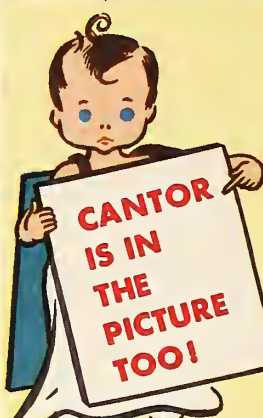


WANTED!



FOR STEALING "FORTY LITTLE MOTHERS" FROM EDDIE CANTOR

NAME: *Chum*—Age 8 months
HAIR: *Little Curly*•TEETH: 3



CANTOR IS IN THE PICTURE TOO!

FORTY LITTLE MOTHERS



"A baby stole my picture!"

LIKE TAKING CANDY FROM CANTOR!

40 LITTLE MOTHERS



COSTUME BY ADRIAN!


"As long as this baby is at large no actor is safe, especially me in '40 LITTLE MOTHERS'!"

—EDDIE CANTOR

IT'S BETTER THAN YOU'VE HEARD!


Seldom indeed does the opportunity come to sell patrons such an extra-extraordinary show! A big entertainment with Eddie Cantor at his best and a kid who will convulse the nation. And a hit song "Little Curly Hair in a High Chair."

On this page are color reproductions of the 50-line black and white teaser ads as used at the Capitol, N. Y.



"VERY GOOD EDDIE!"

Wisdom from the babe of "40 Little Mothers"!



LIFE BEGINS AT FORTY LITTLE MOTHERS

WANTED!



FOR STEALING "FORTY LITTLE MOTHERS" FROM EDDIE CANTOR

"As long as this baby is at large, no actor is safe!"



FORTY LITTLE MOTHERS



"THE KID IS GREAT!"
(Signed)
EDDIE CANTOR



"CANTOR SHOWS PROMISE"
(Signed)
CHUM

40 LITTLE MOTHERS

EDDIE CANTOR
In the Story of
"FORTY LITTLE MOTHERS"
with JUDITH ANDERSON
Rita Johnson • Bonita Granville
Ralph Morgan • Diana Lewis
Nydia Westman

Screen Play by Dorothy Yost and Ernest Pagano
Directed by Busby Berkeley • Produced by Harry Rapf
A METRO-GOLDWYN-MAYER PICTURE

Arnold Sees No Chance of Suit Settlement

(Continued from page 1)

June trial and stated that no circumstances would warrant further delay.

John W. Davis, trial counsel for Loew's, had appealed to the court for a 60-day adjournment after arguing that the majors had received the supplemental bill of particulars only a few days before and had been unable to verify the information furnished.

Davis, who was joined by a number of other defense counsel in his plea, contended that the Government had promised to allow the defendants 60 days to check on information supplied by the Department of Justice. He claimed that the Government was under a moral duty to stand by its understanding with the defendants.

Arnold, in opposing the application, stated that "the primary consideration, the great question is theatre divestiture which must be settled one way or another by trial." His "sincere belief" was that the defendants were

Arnold Says Neely Asks About Delay

Thurman W. Arnold said on Friday that he would appear before a Senate Committee in Washington today to explain the delay of the trial. The anti-trust department head declared that Senator Neely had telephoned him requesting the reasons for the delay of the trial in the two-year-old case. Arnold's disclosures were made before Judge John C. Knox when opposing trial postponement. Later, Arnold said he would have to confirm the date of his appearance before the Senate committee.

Washington, April 21.—Commerce committee clerks say that no hearing had been scheduled as yet but that Senator Neely may arrange one.

the situation. The defendants intend to show that each isolated instance of claimed discrimination was based on pure business reasons entailing no motive to monopolize, attorneys stated.

Judge Joseph Proskauer of Warners counsel scoffed at Arnold's assertion that delay would cause "public scandal." That was "part of the folklore of trust busting," Proskauer said in parodying Arnold's best known book, "The Folklore of Capitalism." He pointed out to Judge Knox that the Government's most recent bill of particulars had added 130 charges in individual instances of alleged monopoly.

Among the attorneys representing the defendants were Judge Thomas D. Thacher, and Louis Phillips for Paramount; Ralph Harris and John Caskey, 20th Century-Fox; John W. Davis and J. Robert Rubin, Loew's; Judge Joseph Proskauer and R. W. Perkins, Warners, and Edward C. Raftery and Benjamin Pepper, United Artists. Columbia, RKO and Universal were also represented by trial counsel.

In addition to Arnold, the Government was represented by Paul Williams, chief trial attorney in the suit; William Farnsworth, head of the department's New York office; Robert L. Wright, pre-trial examiner, and Holmes Baldridge, chief of the department's trial division.

Dembow, Brenner Promoted by NSS

(Continued from page 1)

wyn Pictures, remaining through the formation of Metro-Goldwyn-Mayer. Later he became a theatre operator and joined Herman Robbins in National Screen eight years ago.

Brenner joined Fox Film in 1918, becoming assistant manager in Albany and Indianapolis. He joined National Screen in 1923 as city salesman, and in 1935 became general executive in charge of branch and home office operations.

RKO Wins Appeal

Appellate Division of the N. Y. Supreme Court on Friday unanimously affirmed the decision of Justice Pecora denying an injunction to the Caron Perfume Co., in its suit against RKO involving the film, "Primrose Path." John S. Harding of Cravath, De Gersdorff, Swaine & Wood argued the appeal for RKO.

U. S. Backed Down On Code, Says Kent

(Continued from page 1)

print costs must be cut. Average cost per print for 1938-39 was \$246, the highest \$376 and the lowest \$170, he stated, with 12,813 prints made for the season. The company had also found that prints had averaged 37 runs, he added.

The season's product had been exhibited a total of 476,641 times up to April 1, Kent continued. The highest number of exhibitions for one film had been 14,600 and the lowest 5,552, he declared.

Kent stated that the first "flurry" to buy theatres was caused in 1921 by exhibitor association activities and the second in 1926 when William Fox started to buy theatres wholesale. There has been no further theatre purchases, Kent added, "because no one except Metro has had any money since 1931."

When he became chairman of a committee formed to draft a fair trade code, Kent said, he had been advised that the Government had no objection to a code. Subsequently, after many months' work, Thurman W. Arnold wrote that the committee's activities were "illegal," Kent stated.

Government beliefs that different departments in a large company worked hand in hand were unfounded, Kent asserted. "They don't sleep in the same bed and scratch each others' backs as much as the Government would have them do," Kent said after describing a number of disputes between the theatre and distribution departments.

The 20th Century-Fox president said that he had no outside financial interests in film companies. He also stated that he attended M.P.P.D.A. meetings on an average of once a month but that he did not discuss company problems at any time with other executives.

George J. Schaefer, president of RKO, who also was to testify Friday, will appear for examination April 29.

20th-Fox Depends On Market at Home

(Continued from page 1)

foreign markets outside of the Americas aggregated that much of the total revenue.

"With foreign revenue cut off, with a prolonged war threatening finally to shut off every dollar from abroad, except in Central and South America," Kent's message pointed out, "we are faced with the necessity of living within our American revenue, if we are to live at all. And the question of whether or not we can sustain ourselves will be pretty largely determined by this and in the coming year by what we are able to show with the new season's pictures."

"If we cannot do that," Kent says, "We have some sorry days ahead of us, I assure you. If we can, we can outlast this war or any war, and wait for brighter days that will be ahead."

"Each of us," he warns, "is not only fighting for his own particular job and the maintenance of his company, but also to demonstrate that this industry, as now constituted, can remain at all solvent and surmount the crisis."

Messages from Schenck and Wobler amplified the same warning.

English C.E.A. Attacks High Film Rentals

(Continued from page 1)

with the result that attendance will drop.

The C.E.A. pamphlet suggests that American distributors are increasing rentals with the objective of accumulating sufficient funds to acquire British theatres.

A chartered accountant's report is cited showing that exhibitor overhead is 45 per cent, rent 12½ per cent and depreciation 8 per cent, as an argument for lower film rentals.

C.E.A. members are advised that "Broadway Melody" and "Another Thin Man," both M-G-M films; Warners' "Elizabeth and Essex," and RKO's "Hunchback of Notre Dame" are not worth 50 per cent as demanded.

Meanwhile, M-G-M announced that advance ticket sales on "Gone With the Wind" had reached a record high of about \$45,000 at the Palace, Empire and Ritz. It is anticipated that the three theatres, with a total of 13,600 seats, will gross more than \$70,000 weekly during the next few weeks.

Most of the newspapers here have given unstinted critical acclaim to the film, following its brilliant premiere Thursday night.

Caution Sales Staff On Suit Witnesses

Instructions to the 20th Century-Fox sales force to refrain from word or act which might be construed as "intimidation" or "recrimination" against prospective witnesses in the Government anti-trust suits against the industry have been issued by Felix A. Jenkins, general counsel of the company.

"Deal with these witnesses on a strictly fair basis," Jenkins told the salesmen. "Do not attempt to castigate them or punish them in a business way. In your business dealings with them lean backward in making sure that you ask for a fair business deal in every way."

Jenkins also warns the sales force against any attempt on its part to force short subjects and newsreels and urges them to use their best efforts to prevent overbuying or the establishment of unfair clearance schedules among their customers.

He relates that the company is involved in more than 90 law suits costing many thousands of dollars and, deploring this loss of revenue in an unproductive direction, urges the salesmen to give every effort to the problem of eliminating grounds for litigation and to adjudicating complaints before they become law suits.

Artists Take Office

Former Mayor James J. Walker has taken space in the International Building, Rockefeller Center, for the headquarters of the National Association of Performing Artists, of which he is president. The organization is designed to protect artists from unauthorized use of their recordings.

Relief for Lawyers

After entering Judge Knox's chambers for argument of the anti-trust suit postponement and viewing the several dozen film lawyers who had already crowded in, Judge Joseph Proskauer of Warners' counsel remarked that "Mr. Arnold has relieved unemployment among lawyers with his suits." Judge Knox promptly replied: "I would say to quite an extent."

"ill advised" in seeking a delay and that they should be concerned in a final decision on the dispute.

Constant delays had "thrown suspicion on the validity of legal process," Arnold declared. The film anti-trust suit was of "overwhelming interest to the public," he asserted.

Earlier in the hearing, defense attorneys told Judge Knox that lawyers had been retained in 30 cities to question Government witnesses and collect evidence. The majors had been recently informed, attorneys said, that preparation throughout the country could not possibly be completed in time for a May 1 trial.

As an additional ground for trial postponement, Davis informed the court that the Government had recently served 25-page subpoenas on all defendants requiring them to produce at the trial an extensive number of company records. There was insufficient manpower in the industry to collect these records in time for a trial in May, he declared.

In the course of the argument, Arnold stated that the case was not one consisting of hundreds of isolated little law suits and that the Government was taking a broad view of general practices which have been established in the industry.

Reactions of defense attorneys were that Arnold had not shown a grasp of

'Date' Scores With \$24,100, Los Angeles

LOS ANGELES, April 21.—"It's a Date" and "The Saint's Double Trouble" grossed a strong \$24,100 at two houses, \$12,300 at the Hillstreet and \$11,800 at the Pantages. "Rebecca" drew \$8,200 in the third week at the 4 Star.

Estimated takings for the week ending April 17:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 16th week. Gross: \$9,000. (Average, \$17,000)
"Young Tom Edison" (M-G-M)
"The Ghost Comes Home" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: \$9,200. (Average, \$12,500)
"Rebecca" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: \$8,200. (Average, \$3,250)
"It's a Date" (Univ.)
"The Saint's Double Trouble" (RKO)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: \$12,300. (Average, \$6,500)
"Young Tom Edison" (M-G-M)
"The Ghost Comes Home" (M-G-M)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$12,300. (Average, \$14,000)
"It's a Date" (Univ.)
"The Saint's Double Trouble" (RKO)
PANTAGES—(3,000) (30c-65c) 6 days. Gross: \$11,800. (Average, \$7,000)
"Dr. Cyclops" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: F. & M. revue, Ray Kinney and his orchestra. Gross: \$11,000. (Average, \$18,000)
"Gone With the Wind" (M-G-M)
UNITED ARTISTS—(2,100) (75c-\$1.50) 7 days, 16th week. Gross: \$8,000.
"It All Came True" (W. B.)
"King of the Lumberjacks" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: \$7,700. (Average, \$14,000)
"It All Came True" (W. B.)
"King of the Lumberjacks" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: \$8,500. (Average, \$12,000)

S.M.P.E. Will Open Convention Today

(Continued from page 1)

White of Atlantic City will welcome the expected 250 delegates. E. A. Williford, S.M.P.E. president, will greet the assembled engineers at the business session this morning, after which the first of the technical papers will be read.

Among the 46 papers scheduled during the convention's nine sessions will be seven on television. Various new developments in the technical progress of the screen will be featured in the papers.

A large delegation from the Coast will be present, headed by L. L. Ryder, chairman of the Pacific Coast Section of the society. W. C. Kunzmann, convention vice-president, will be in active charge of the sessions.

This afternoon's session will be devoted to a discussion of sound, and this evening Matthew Luckiesh, director of the General Electric Lighting Research Laboratory, Cleveland, will lecture on "The Science of Seeing."

Other sessions will be held tomorrow morning, afternoon and evening, Wednesday morning and Thursday morning and afternoon. Wednesday afternoon will be devoted to sight-seeing, and Wednesday evening will be taken up with the banquet and dance. The wives of delegates will be entertained under the supervision of Mrs. O. F. Neu, convention hostess.

Hollywood Review

"Two Girls on Broadway"

(M-G-M)

HOLLYWOOD, April 21.—Lana Turner, Joan Blondell and George Murphy here are co-starred in a tale of dancing and romance, with Miss Turner in the role of a younger sister whose dancing and attraction for the wise-cracking, cocksure young man depicted by Murphy prove more powerful than those same qualities in her sister, enacted by Miss Blondell.

Coming to New York from the small Midwest town where he had been the dancing partner of, and engaged to, Miss Blondell, Murphy gets his chance through a ruse on a radio amateur hour. His representations to a producer give both girls, as well as himself, a chance in a revue, with Miss Blondell not being able to make the grade, and eventually going home so that her fiance and her sister may go on together.

Directed by S. Sylvan Simon, the screenplay was written by Joseph Fields and Jerome Chodorov, from a story by Edmund Goulding. The picture contains two songs, and is at its best when the principals are dancing to these numbers, written respectively by Nacio Herb Brown, Arthur Freed and Roger Edens and by Harry Revel and Ted Fetter. Jack Cummings produced.

Running time, 73 minutes. "G."*

W. S.

*"G" denotes general classification.

English Unit Notes Better Moral Tone

LONDON, April 21.—Although it believes that there is a considerable improvement in the moral tone of films, and though it records the virtual disappearance of the "sexy" film, the Public Morality Council still "takes a poor view" of some motion pictures, notably "too realistic war films."

The Council in its annual report considers that some of these are likely to cause distress to relatives of soldiers.

Of 513 films exhibited at trade shows, 33 were deemed commendable from the Council standpoint, while "no reasonable objection could be taken" to 333.

"Problems of marital happiness were not numerous, and the tendency of some crime films tended towards showing, in the ultimate issue, that 'crime does not pay.'" On the other hand, criticism was expressed of some cases of undue emphasis on scenes of crime—violence and cruelty, says the Council.

Wage Increase Set At English Studios

LONDON, April 10 (By Mail)—Workers in British studios have been given a war bonus in the form of a wage increase. The increases rise from ninepence a day to one shilling and sixpence a day, through the various grades. The scale will be reviewed again in June.

Negotiations are now on for a similar bonus for laboratory staffs.

P.T.C. Reports Profit

LONDON, April 10 (By Mail)—A profit of £450,630 is reported by Provincial Cinematograph Theatres for last year. A 15 per cent dividend on the ordinary shares was declared. P. C. T. is affiliated with Gaumont-British.

Monogram Sales Quota \$9,225,000

(Continued from page 1)

clude their sessions tomorrow. Johnston earlier had announced a 50 per cent increase in the production budgets on 14 films and a 30 per cent increase in the budgets of 12 others. The company plans 50, of which 24 will be westerns.

Roy Corrigan, formerly of the "Three Mesquiteers," and John King will be teamed in a series of westerns to be produced for Monogram release by George W. Weeks, former sales executive. The series will be known as "The Three Pals." Both Corrigan and King are here for the convention.

Two Monogram films are playing first runs here as the convention continues. "Son of the Navy" is at the Rialto, and Tex Ritter is appearing in person at the Interstate Capitol with his film, "Pals of the Silver Sage."

Johnston told the meeting that Monogram's releases will be primarily designed for the U. S. and Latin American markets. Consideration is being given to the possibility of producing eight westerns in Mexico, with supporting talent recruited from among native players.

R. J. O'Donnell, Sam Dembow, Ed Rowley, Julius Gordon, R. E. Griffith, Ed Kuykendall and Col. H. A. Cole were among those who addressed the meeting. Scott R. Dunlap, vice-president in charge of production, and Edward A. Golden, general sales manager, discussed product. Golden will outline the new sales policy tomorrow.

Close Deal with Altec

Lewen Pizor and Charles Segall have signed new service agreements covering sound service and projection room repairs and replacements for all theatres in the Eastern Theatre Corp. with Altec Service Corp. E. O. Wilschke negotiated for Altec.

Variety Clubs Pledge To Raise \$400,000 For Charity Fund

(Continued from page 1)

night of the three-day annual convention, which enjoyed one of the largest attendances of any of the clubs' annual meetings.

Scores of industry executives, Hollywood personalities and theatre officials from all over the country left by plane last night and early today. Special trains left with other large delegations this afternoon. The eastern special is scheduled to arrive in New York on Tuesday.

Highlight of the convention was the annual banquet held last night in the Crystal Ballroom of the Baker Hotel. The National Humanitarian award for 1939 was made to Martha Berry of Mt. Berry, Ga., by Chief Barker Harris.

A film depicting the activities of all Variety Clubs during the past year was shown. Gracie Allen, introduced by William McCraw, former Attorney General of Texas, made her first "campaign speech" for the Presidency as part of the banquet program.

The banquet was preceded by a 10-mile parade through the downtown streets, with everything from Wild West shows, Indians and cowboys to rodeo performers and livestock in the line of march.

Saturday morning was given over to the Variety Clubs national golf tournament at the Brook Hollow course.

Friday night was a social high spot of the program with a Twilight Jam-boree, Frontier Frolic and Mexican Fiesta at the Dallas Athletic Club.

Repeal of Quebec Child Film Ban Seen

MONTREAL, April 21.—Early repeal of the old ban on child film attendance in Quebec is anticipated with the preparation of new provincial censor laws by Wilfred Girouard. He recently outlined a plan for a solution to the 12-year-old problem.

The law would be replaced by a new form of Government control, with an appointed censor board inclusive of church representatives. Children would be permitted to attend films of their selection. The 1928 law banning children under 16 from films in the province followed a disastrous local theatre fire, and has been fought by theatre interests ever since. The law is considered generally unpopular. The Government, in making recent exceptions to the ban, has in effect violated its own law, it is pointed out.

Screencraft Sets Deals

Superior Pictures, Inc., has closed for the distribution of the entire lineup of Screencraft Pictures in Chicago, St. Louis, Milwaukee and Indianapolis. Deal was negotiated by J. S. Berkson of Screencraft, who has returned from the Midwest. International Pictures Distributing Co., Inc., of Philadelphia, also has signed for the distribution of Screencraft product.

Frisco House Reopens

SAN FRANCISCO, April 21.—Closed two months for extensive remodeling, the Liberty has reopened to show subsequent run films and stage shows. H. M. Peterson is the new manager.



...AFTER
THEIR
TRIUMPH IN
**'Wuthering
Heights'**

...AFTER
THEIR
TRIUMPH IN
**'Fighting
69th'**

THEY MEET AGAIN

in

'TIL WE MEET AGAIN

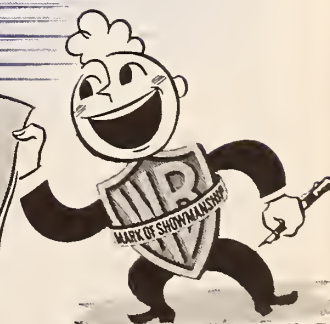
**MERLE OBERON
GEORGE BRENT**
in **'TIL WE
MEET AGAIN'**

with **PAT O'BRIEN
GERALDINE FITZGERALD
BINNIE BARNES
FRANK McHUGH**

Directed by **Edmund Goulding**

Screen Play by **Warren Duff**
From an Original Story by **Robt. Lord**
A Warner Bros.-First Nat'l Picture

**NOW
BOOKING**



WARNERS-the Showmen!

Ann Sheridan Will Get Solo Star Vehicles

HOLLYWOOD, April 21.—Paramount will team ELLEN DREW and JOHN HOWARD in "Texas Rangers Ride Again," (tentative title), which JAMES HOGAN will direct. It will be a tale of the Rangers in modern times.

UNA MERKEL has been signed by Paramount to team with BOB BURNS in Paramount's "Comin' Round the Mountain," a role for which MARTHA RAYE, now not under contract to the studio, was originally mentioned. . . . Warners has decided to give ANN SHERIDAN solo starring vehicles and a search for stories for her is on. . . . One of the stories lined up for WALLACE BEERY at M-G-M is "Wyoming," outdoor action picture for which HUGO BUTLER has done the script. . . . Warners is toying with the idea of having a sequel to "Four Wives," another of the "Lemp Sisters" dramas. It will be called "Four Mothers."

LELAND HAYWARD and NAT DEVERICH have formed the Hayward-Deverich, Inc., agency. . . . ELSA MAXWELL and SLAPPIE MAXIE ROSENBLUM will be featured players in Warners short, "The Lug and the Lady." . . . Paramount has placed BETTY FIELD opposite FREDRIC MARCH in "Victory," JOSEPH CONRAD story, JOHN BALDERSTON has written the script and JOHN CROMWELL will direct the ANTHONY VEILLER production. . . . BASIL RATHBONE will be co-starred with BING CROSBY and MARY MARTIN in Paramount's "Ghost Music." . . . JULIEN JOHNSON, story editor of 20th Century-Fox since 1932, has been given a new contract which will expire May 1, 1941. . . . BETTY BREWER, 13-year-old singer who appeared in Republic's "Rancho Grande," has been signed by Paramount for a featured role in "Rangers of Fortune."

Warners is planning to star BETTE DAVIS in "The Letter," from the SOMERSET MAUGHAM story. WILLIAM WYLER will direct from the HOWARD KOCH script. . . . Another possible vehicle for JAMES CAGNEY at Warners is "One Sunday Afternoon," based on the stage hit by JAMES HAGEN. First he will do "City for Conquest" and "John Paul Jones." . . . IAN HUNTER has been signed for "The Long Voyage Home," which JOHN FORD will produce and direct for WALTER WANGER. . . . ROSE HOBART draws the lead in Paramount's "A Night at Earl Carroll's," opposite KEN MURRAY.

Indianapolis Club To Provide Serum

INDIANAPOLIS, April 21.—The local Variety Club, headed by Marc J. Wolf, plans a convalescent serum depot, purchase of equipment to help train under-privileged children and the establishment of a blood bank.

The serum center will be set up in the Indiana University Medical Center and will be available to all physicians in the state. A stage show at the Lyric some time in May will raise funds for the center.

Critics' Quotes . . .

"DR. KILDARE'S STRANGE CASE" (M-G-M)

Fourth of these medical melodramas, "Dr. Kildare's Strange Case" is the best of the lot.—**Philadelphia Ledger.**

This fourth film in the series indicates that light and mildly amusing though it is, the tale is now hardly more stimulating than a cup of weak tea.—**Laura Lee, Philadelphia Bulletin.**

While the series of Kildare pictures, as well as this current one, do not fall into unforgettably great film-making, they do manage completely to afford one a more than pleasant evening in the theatre.—**Philadelphia Daily News.**

There is enough medical authenticity to make the story convincing.—**Philadelphia Record.**

In its particular cycle, "Dr. Kildare's Strange Case" is up to average, but the conventions of this new installment in the Kildare serial are becoming a bit shabby.—**Howard Barnes, New York Herald Tribune.**

The producers of "Dr. Kildare" are standing pat, and maintaining a good winning record at it, too.—**B. R. Crisler, New York Times.**

It may not be the best of the series, to date, but it contains enough suspense, good acting, plot, and of course, Lionel Barrymore, to make a pleasant hour and a quarter.—**Lee Mortimer, New York Daily Mirror.**

These dramatic comedies maintain the high standard of story-telling that distinguished the introductory film.—**Kate Cameron, New York Daily News.**

Becomes more heavily clinical and, oddly, less believable. . . . This is the first of the Kildare series that is not easy to take seriously.—**Archer Winsten, New York Post.**

As entertaining as its predecessors.—**Rose Pelswick, New York Journal American.**

This is one movie series which, for all its medical nonsense, continues to be amusing . . . a well-written piece, with nice dialogue and plenty of comedy arising out of the conflict between the familiar characters.—**Eileen Creelman, New York Sun.**

The action, once it gets started, is swift and entertaining, the dialogue natural and at times sparkling and the acting and direction first-rate. . . . just about the best of the Kildare series.—**William Boehnel, New York World-Telegram.**

"DR. CYCLOPS" (Paramount)

Paramount has fabricated a moderately exciting horror film in "Dr. Cyclops" . . . considerable terror and suspense . . . a trick picture, owing whatever appeal it may have to trick photography.—**Howard Barnes, New York Herald Tribune.**

Technically the most interesting picture of the year . . . deserves more than passing attention.—**Lee Mortimer, New York Daily Mirror.**

The best bad picture of the year . . . a picture which is frankly terrible, and at the same time one of the most amusing of the season.—**B. R. Crisler, New York Times.**

A tricky film . . . an interesting pseudo-scientific study of a fanatical biologist.—**Kate Cameron, New York Daily News.**

A diverting fantastic . . . owes most of its effectiveness to the use of trick photography . . . the camera work is amusing.—**Rose Pelswick, New York Journal and American.**

Story is bad, acting and direction on the same level . . . a grand idea, some entertaining bits, and a dull, badly constructed scenario.—**Eileen Creelman, New York Sun.**

Tricky, rather than good or even exciting, "Dr. Cyclops" still manages to be entertaining in a novel way . . . the trick camera effects and the beautiful color work often make up for weaknesses in the script.—**William Boehnel, New York World-Telegram.**

A thoroughly ordinary, pseudo-scientific thriller.—**Archer Winsten, New York Post.**

"SATURDAY'S CHILDREN" (Warners)

An intensely interesting human little picture. . . . Vincent Sherman directed and spins his yarn smoothly.—**Los Angeles Examiner.**

I think you'll enjoy "Saturday's Children." It's good drama with a good deal of comedy.—**Los Angeles Herald Express.**

The fine spirit of idealism, as reflected in the film, is not to be denied; it pursues a highly constructive purpose on the spiritual side and will be taken to the hearts of many people as it deserves to be.—**Edwin Schallert, Los Angeles Times.**

"DARK COMMAND" (Republic)

A glorified Western with historic pretensions—and a defter job than many of its more pampered prototypes from wealthier studios.—**News-week.**

Pioneers Banquet May 1

TORONTO, April 21.—The inaugural banquet of the Canadian Picture Pioneers Club under the chairmanship of Clair Hague, dean of Canadian film exchange officials, is scheduled to be held May 1 at the Royal York Hotel, Toronto, when club members will stage their own entertainment. Veteran representatives of the industry in the United States are being invited to attend the function.

Hold Pittsburgh Benefit

PITTSBURGH, April 21.—Warner Tri-State manager Harry Kalmine headed a week of entertainment at the Pittsburgh Lyceum, boys' club, that included two "Movie Nights," a program featuring Billy Conn, "Variety Club Night," and programs built around activities of American Legion and Dapper Dan club. Radio, stage and film men contributed their services.

Mexico Union Film Ban Hints Red Leanings

By JAMES LOCKHART

MEXICO CITY, April 21.—Indicative of the Russian leanings of the Confederation of Mexican Workers, most powerful of Mexico's labor groups, was given by its boycott of Metro's "Ninotchka," an action which completely prevents exhibitions of this film in Mexico, as the Confederation rules the picture workers. This boycott was ordered despite the fact that "Ninotchka," was passed by both the local and Federal censors. The boycott, it is learned, was because the Confederation took exception to Greta Garbo's role of a converted Communist in the story. This reformation, the Confederation held, insults Russia and her policies.

Exhibitors are wondering about this attitude of the Confederation, as Mexico severed diplomatic relations with Russia in 1929 because this country found that Stalinism was gaining too much ground in Mexico. President Lazaro Cardenas in a recent address, which was broadcast, nationally, declared that his Government and Mexico are not Communist and that the Soviet doctrine is unacceptable to Mexicans.

Additional evidence of the Confederation's love for Russia is preparations the labor organization is making to lift the boycott it enforced more than a year ago against the Italian-made "Scipio Africanus" because it deemed this film to be Fascist propaganda. This boycott, it is understood, resulted from the Confederation's disapproval of the then Hitler-Mussolini stand toward Moscow. But now that Berlin, Rome and Moscow seem to be getting together, the Confederation intends to approve exhibitions of "Scipio Africanus."

Berlin-Moscow flirting is so pleasing to the Confederation that it has eased up on the ban it imposed on German pictures soon after the war began, to the extent of allowing some UFA news reels to be exhibited here.

Testimonial Planned For Pitkin on May 7

NEW HAVEN, April 21.—Barney Pitkin, RKO manager here, will be guest of honor at a testimonial dinner at the Racebrook Country Club, May 7, on his 20th anniversary in the film business. Thomas Donaldson, Morris Joseph and Hugh Maguire are in charge of arrangements.

Sunday Films Banned

SANFORD, N. C., April 21.—For the first time in eight months no motion pictures were shown here last Sunday. The board of Aldermen recently passed an ordinance ordering the closing of shows on Sunday nights after April 1, following two or three extensions of time given R. P. Rosser, theatre operator.

'Comedy' Leads Set

HOLLYWOOD, April 21.—James Stewart, borrowed from M-G-M, and Olivia de Havilland will be co-starred in Warners' "No Time for Comedy," from the S. N. Behrman play, which William Keighley will direct.

Natural Cooling

Buffalo, April 21.—The Capitol in South Buffalo has a natural cooling system. An ancient underground stream has been tapped to provide a 20th Century air-cooler. Water has been noticeable for years beneath the theatre boiler room, so Manager George F. Hanny, Jr., had well drillers probe 90 feet beneath the sidewalk in front of the building.

New Mutual Shows, Promotion Planned

Discussion of coverage of the forthcoming political conventions, sales promotion plan and an increase in program origination by affiliated and member stations featured the first regular meeting of Mutual's operating board, which was concluded Friday. Details of new programs from WOR, WGN and the Don Lee network were also considered.

Those attending included W. E. Macfarlane, president; Alfred J. McCosker, chairman of the board; E. M. Antrim, treasurer and executive secretary; Theodore C. Streibert, vice-president; Lewis Allen Weiss, vice-president for the West Coast; John Shepard III, director; K. K. Hackathorn, representing H. K. Carpenter, director; J. E. Campau of CKLW; Edward Junius, sales manager; Fred Weber, general manager; William Dolph of WOL, Washington, representing affiliated stations East of the Mississippi; and Gene O'Fallon of KFEL, Denver, representing affiliates West of the Mississippi.

Baseball Season Opens on April 29

The Motion Picture Baseball League opens its season April 29 with a game between Consolidated Film Industries and Paramount. Others in the league are Skouras Theatres, Rockefeller Center, NBC, RKO and Universal. Harry Marcus of Republic is president of the league, and I. A. Goldberg of Loew's is secretary and publicity manager.

Other games scheduled are: NBC vs. RKO, May 2; Universal vs. Skouras, May 3; Paramount vs. Rockefeller Center, May 4. The teams will meet at the George Washington Field, Washington Heights, on Mondays, Wednesdays and Fridays. Games on Thursdays and Saturdays will be at McCombs Dam Park, Bronx.

Heads AGVA Unit

SAN FRANCISCO, April 21.—Lou Ashe, radio singer and night club master of ceremonies, formerly of Boston, has been elected president of the newly-organized local chapter of the American Guild of Variety Artists. Others elected are Catherine Toomay, Max Taras, Nadja Laurence, and Frank Rollett, vice-presidents; Will Aubrey, treasurer, and Betty Bowen, recording secretary.

Universal Is Sued

LOS ANGELES, April 21.—Fritz Rotter and Angela Sherwood have filed suit in Superior Court here against Universal, asking \$150,000 for alleged unauthorized use of portions of their story, "Love on a Leash," in the film, "It's a Date."

RADIO BREVITIES

TELEVISION went "big league" last Friday with a view of the Dodgers-Giants baseball game. The telecast showed definite advances but raised new problems. The camera technique has improved tremendously over last year. It was easy to watch the ball and there were some close-ups which the paying customers might well envy.

The running commentary needs improvement. It is still too much like a radio broadcast. Baseball, of course, needs the commentary to fill in the dull moments but the description can be cut down when the audience sees the players in action.

The action was interrupted to show stills of the players eating "Wheaties." The pulling power of stills on the television screen is open to question, but aside from this difficulty, fans will probably resent being shifted from the ball park to the studio to see commercials. Even where the interlude is brief, the interruption is unpleasant. By far the best advertising from yesterday's telecast was obtained by Gem Razors which had a large sign in right field on which the cameras were directed throughout most of the play. The Gem sign impressed itself on the consciousness without offense and the answer may lie in the purchase by the television sponsor of the outdoor sign concession at ball parks in the future.

E. G.

Personalities in the News

Robert S. Pearce, president and general manager of the Maqua Co., a General Electric affiliate, has been named manager of the G.E. publicity department, succeeding Chester H. Lana, who is now manager of apparatus sales for the company. Pearce also will act as manager of broadcasting for the company with responsibility for operation of Stations WGY, Schenectady; KGO, Oakland; KOA, Denver; W'GEO, W'GEA, KGEL, short-wave stations; W2XOY, frequency-modulation station, and W2XJB, television station. . . . Virginia Clegg has been placed in charge of distributor and local artist promotion for Columbia Records. . . . William Randolph Hearst was interviewed by Radio Newsreel in San Simon and the recorded interview will be broadcast by W'MCA tomorrow at 8:30 P.M. . . .

Sound Effects on Game Summary

Select Theatres Corp. will sponsor a five-minute program, "Old Fashioned Favorites" over WABC on Mondays, Wednesdays and Fridays at 8:15 A.M. on behalf of "New Hellzapoppin'" beginning today. . . . Bert Lee has resumed "Today's Baseball" over WHN nightly at 7:15. In a 15-minute period, Lee gives a complete play-by-play description of the outstanding baseball game of the day. Sound effects of crowds cheering and the bat meeting the ball are used to heighten the illusion.

Program Notes

Ned Wayburn, the dancing coach, has been signed by Basch Radio Productions to produce a series of half-hour programs in which he will appear. The programs will be designed to provide a backstage view of the theatrical world. . . . "Television Reporter," Esso commercial show on

television, has been shifted to Fridays at 8:30. . . . Time for "It Happened in Hollywood" over CBS has been shifted to 3:15 P.M., instead of 5:30. Mondays through Fridays, beginning April 29. . . .

WHN will pick up the Cinderella Ball from the Waldorf-Astoria Hotel Tuesday on its regular "Cinderella Hour" at 11:45 P.M. . . . Woodbury's CBS has been shifted to 3:15 P.M., "Hollywood Playhouse" will be broadcast from New York on Wednesdays, April 24 and May 1.

News Summary From City Room

A summary of the news of the day in the form of a city room conference has been started at KGO, San Francisco, in cooperation with the Chronicle there. Instead of a straight news commentator, Managing Editor Bill Chandler calls on eight of the sub-editors for the best story to have crossed their respective desks on the afternoon of the broadcast.

Protests Toscanini Tour

Mrs. Samuel L. Connor, chairman of the executive committee of the Leopold Stokowski All-American Youth Orchestra, in Washington, has telegraphed Lenox R. Lohr, president of NBC, protesting the announcement that Arturo Toscanini's projected concert tour of Latin America with the NBC Orchestra will be representative of the musical life of the United States.

Technicolor Print Price Is Reduced

HOLLYWOOD, April 21.—Dr. Herbert T. Kalmus, president of Technicolor, has announced a price reduction of one cent per foot for release prints of 35 mm. pictures delivered at the Hollywood plant for distribution and use in the United States.

The reduction brings the per foot price down to four and one-half cents for feature pictures in quantities of 250 or more prints, and for short subject prints ordered in quantities of 125 or more the per foot prices increase by quantitative gradations to a peak of seven cents in case nine or fewer prints are ordered.


Effective August 1, the reduction will apply to practically all feature pictures now in shooting stage, effecting, Kalmus said, a saving of about \$35,000 in a typical case, this computation being based on an average feature length of 10,000 feet and an average order of 300 prints. Asked whether the reduction would be applied to prints for foreign use, Kalmus said it would be a simple matter for customers, in case foreign prints were to be identical with domestic, to increase the number of prints ordered, adding that foreign prices were not referred to in this announcement but are generally lower.

Ross Reports Gain

Business of Ross Federal Research Corp. has increased during the first quarter of 1940 by 108 per cent over the same period of 1939, according to Harry A. Ross, president. The company will celebrate its 10th anniversary this month.

Grandpa GOES TO TOWN

A HIGGINS FAMILY PICTURE



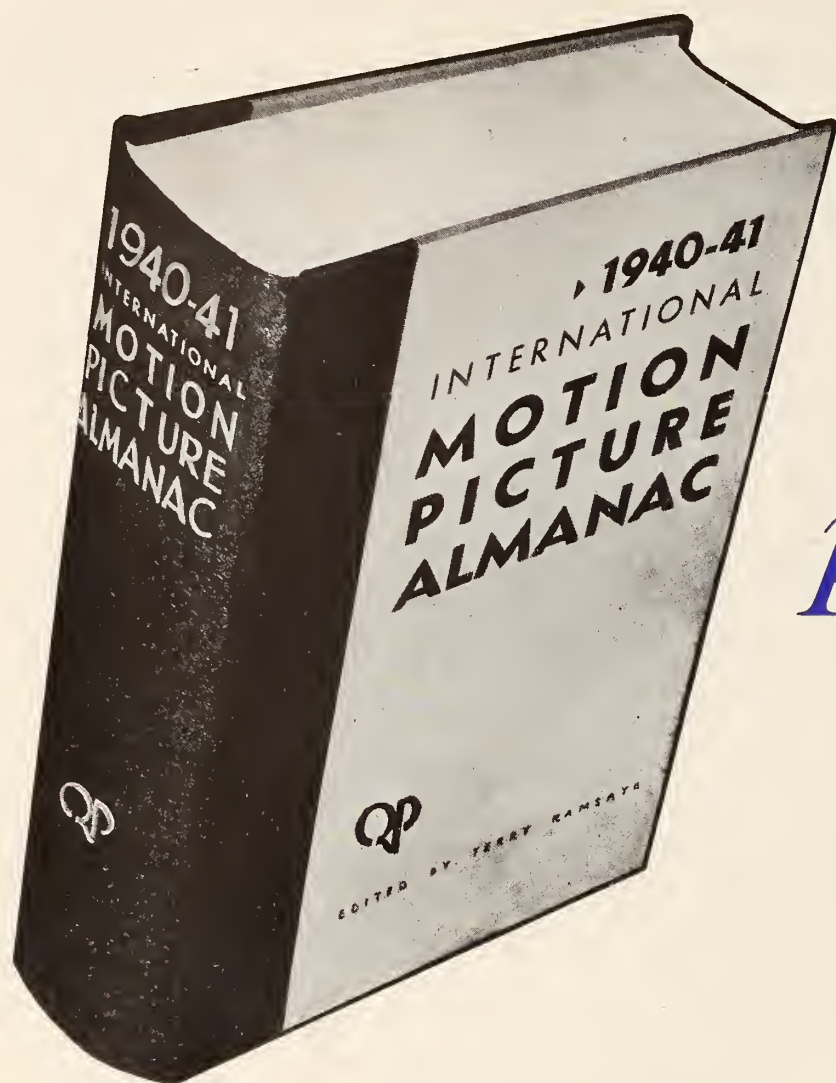
"Arturo, you were marvelous in your last fight."

"But, I'm not fighting now. I'd rather dance—with you, Ledda."

JAMES LUCILE RUSSELL
HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS

GLEASON

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1940-41

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The Who's Who Section will record over 12,000 biographies; statistical data will include every branch of Production, Distribution and Exhibition. And . . . *also* a Radio and Television Department.



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MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 80

NEW YORK, U. S. A., TUESDAY, APRIL 23, 1940

TEN CENTS

March Ticket Tax Revenue At \$2,390,931

Highest Monthly Record Since Depression

WASHINGTON, April 22.—Federal admission tax collections in March topped \$2,390,931, hitting a new post-depression record, it was reported today by the Internal Revenue Bureau.

More than \$538,000 above the \$1,852,764 reported for February and almost \$784,000 above the \$1,606,996 of the same month last year, the March collections brought the total for the first quarter to \$5,730,230, well over \$1,000,000 above the \$4,674,258 received in the first three months of 1939, bureau records disclosed.

The increased business represented by the higher tax collections was entirely outside of New York, it was shown by segregated figures for the Third New York Broadway District. In that district March collections were only \$647,531, as compared with \$706,-

(Continued on page 4)

Korda Financing Deal Is Completed

Alexander Korda's new \$3,600,000 financing deal has been closed formally with Security National Bank of Los Angeles and the Bankers' Trust Co. here, Emanuel Silverstone, Korda's American representative, reported yesterday on his return from a three-week Coast trip where he assisted with the deal.

A line of credit amounting to \$3,200,000 has been set up for the production of four Korda pictures, and an additional \$400,000 will be loaned to Korda and United Artists, his releasing company, in connection with

(Continued on page 4)

Joyce Asks Films Assist Television

ATLANTIC CITY, April 22.—Calling upon the film industry to aid television, and promising that the new art would aid picture exploitation, Thomas F. Joyce, RCA Manufacturing vice-president and advertising director, told the Society of Motion Picture Engineers at the convention at Haddon Hall today that "there is something big about to take place in

(Continued on page 5)

'Rebecca' Gets 5th Music Hall Week; Rain Halts Grosses

"Rebecca" will be held for a fifth week at the Radio City Music Hall beginning Thursday. It will be the second film to have enjoyed a run of that length in the seven-year history of the theatre, the only other film being "Snow White and the Seven Dwarfs," in the Winter of 1938. "Rebecca" up to yesterday grossed a total of \$335,000.

During the seven years, 260 films have played at the Music Hall, of which only 20 have held over for three weeks and only "Rebecca" and "Snow White" grossed strongly enough to continue longer. A total of 750,000 persons will have seen "Rebecca" during its five-week run, W. G. Van Schmus, managing director, estimated.

Bad weather in the Metropolitan area affected Broadway grosses adversely but "Rebecca" came through with an estimated \$58,000 for the first four days of its fourth week. It was on the basis of these figures that it was decided to continue the run. Jewish Passover holidays, which begin

(Continued on page 4)

Independents Sign Sound Union Pact

HOLLYWOOD, April 22.—Harold V. Smith, business representative of Sound Technicians Local 695, I.A.T.S.E., today announced that 22 independent studios, production companies and sound service organizations have signed a remedial wage contract calling for the equivalent of 54 hours' pay for 42 hours' work.

This embraces every active independent employer with the exception of the Republic studio, where William Bioff, I.A.T.S.E. leader, and Herbert J. Yates are to settle the matter.

U. S. TO ACCEPT NO SETTLEMENT

20th-Fox to Seek Key Suit Dismissal Against Schenck

Twentieth Century-Fox served notice on the Government yesterday that it will ask Federal Judge Henry W. Goddard on April 30 for a dismissal of the Government's "key" anti-trust suit against Joseph M. Schenck, chairman of the board, and Daniel O. Hastings and William L. Philips, 20th Century-Fox directors.

Dismissal is sought because the Government has failed to connect the defendants with the alleged conspiracy to monopolize "by a single specific allegation," states an affidavit of John F. Caskey of 20th Century-Fox counsel, submitted in support of the application.

This move is highly important, at-

(Continued on page 4)

Rubin Names Fund Drive Committees

Plans for launching the 1940 campaign of the Motion Picture Division of the Greater New York Fund were formulated at a luncheon for film executives by J. Robert Rubin yesterday at the Hotel Astor. Rubin, vice-president and general counsel for Loew's, is chairman of the division.

Four separate sub-divisions and respective chairmen, each to concentrate on a specific phase of the industry in the drive, were named by Rubin yes-

(Continued on page 4)

Arnold Tells Committee Allied Does Not Want Decree

WASHINGTON, April 22.—Assistant Attorney General Thurman Arnold today told a Senate judiciary subcommittee that the Department of Justice will not accept a consent decree proposal from the companies involved in the New York anti-trust suit against the film industry.

Arnold intimated that the Department's stand may have been influenced by Allied States, since he told the subcommittee that that organization does not want a consent decree "or any part of it."

Whether or not the rejection of the Department of Commerce proposals for a consent decree by the defendant companies also may have had something to do with Arnold's statement was not indicated.

[High industry executives in New York have insisted for more than a week that their efforts to further the proposed settlement had been abandoned. MOTION PICTURE DAILY reported on April 18 that

(Continued on page 4)

Scandinavia Film

Shipments Halted

Distributors are no longer able to forward prints to Scandinavian countries, due to the extensive mining of Scandinavian waters and the discontinuance of sailings to Norwegian, Swedish and Danish ports, it was stated yesterday by home office foreign department officials.

So hopeless is the present situation and the outlook for betterment insofar as shipping facilities are concerned, one company is considering the pos-

(Continued on page 4)

Call C.E.A. Rental Drive 'Inadvised'

LONDON, April 22.—Although refusing official comment on the opening shot of the Cinematograph Exhibitors Association drive for reduced rentals, the distributors are said to consider the campaign "vulgar and inadvised."

The C.E.A. launched its expected campaign on Saturday with the dis-

(Continued on page 5)

Neely Block Booking Bill Hearings Tentatively Scheduled for May 7

Washington, April 22.—Hearings on the Neely anti-block booking bill today were tentatively set by the House Interstate and Foreign Commerce Committee for May 7, with prospects that they would run for three weeks or more.

Since Senator Neely is expected to be in West Virginia during the first half of the month conducting his campaign for nomination for the Governorship in the May 14 primary, there was some question whether he would appear before the House committee at the opening of its hearings to explain his bill, which was passed by the Senate last Summer.

If the hearings start May 7 as scheduled, they will run part of the time coincidentally with hearings before the Senate judiciary subcommittee on Neely's affiliated theatre divorce bill.

Anticipate 2,000 At Allied Meeting

CHICAGO, April 22.—More than 2,000 independent theatre owners and their wives are expected to attend the three-day 11th annual convention of Allied States at the Morrison Hotel here June 19-21, according to Jack Kirsch, president of Allied of Illinois, and convention chairman.

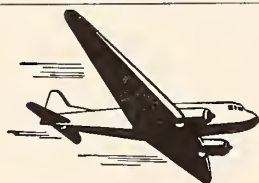
Including the presidents and officers of the varied Allied units throughout the country, the convention committee comprises:

W. L. Ainsworth, Wisconsin; Ray Branch, Michigan; Roy Harrold, Indiana; Frank Hornig, Maryland; Frank Lydon, Massachusetts; Richard D. Marks, Jr., West Virginia; Lee W. Newberry, New Jersey; Charles H. Olive, Washington, D. C.; Seth D. Perkins, California, Arizona and Nevada; M. A. Rosenberg, Western Pennsylvania; Sidney E. Samuelson, Eastern Pennsylvania; Al Schumann, Connecticut; W. A. Steffes, Minnesota; Orville Von Gulker, Oklahoma, and Martin G. Smith and P. J. Wood, Ohio. Col. H. A. Cole, national president, and Nathan Yamins are also on the committee.

Ticket Broker Bill Signed by Lehman

ALBANY, April 22.—Gov. Herbert H. Lehman today signed Assemblyman MacNeil Mitchell's measure transferring jurisdiction of the sale of theatre tickets to the License Commissioner in New York City and Mayors elsewhere in the state.

The bill, sought by the League of New York Theatres, limits broker premium to 75 cents above the original printed theatre ticket price.



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Distinguished overnight sleeper and scenic daylight flights to LOS ANGELES. "The Continental," leave 5:15 pm, and "The Overland Flyer," leave 10:45 pm. Finest service aloft. Call travel agents, hotels, or

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58 E. 42nd Street
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Purely Personal

FLOYD B. ODLUM and his attorney, **EDWIN L. WEISL**, return today from the Odum ranch at Indio, Cal.

STANTON GRIFFIS, **EDDIE DOWLING**, **PHIL BAKER**, **DONALD GIBBS**, **ARTHUR KRIM**, **ARTHUR LOEW**, **JOHN GOLDEN**, **MORT SPRING**, **JOSEPH ROSTHAL** and **MARJORIE WEAVER** lunching at Sardi's yesterday.

JACK GOETZ, **J. J. MILSTEIN**, **ARTHUR GOTTLIEB**, **EDDIE CANTOR** and **IRVING MANSFIELD** at Lindy's for lunch yesterday.

LYNN FARNOL, United Artists advertising and publicity director, returned by plane yesterday from a business trip to Fort Worth.

JACK SIMON, Loew-Poli Hartford manager, is on an extended sick leave, and **LOU COHEN** has taken over the Poli and Palace.

DENNIS WALSH, Movietone News representative in Philadelphia, was operated upon for appendicitis in the Homeopathic Hospital there.

MURRAY F. BEIER has resigned as branch manager and board member of Preferred Pictures in Philadelphia.

EMANUEL SILVERSTONE arrived from the Coast yesterday.

Flood Water Fails To Hurt Deliveries

CINCINNATI, April 22.—Although several arterial highways in the Cincinnati trade territory have been closed by high water resulting from the incessant rains since Thursday, film transportation companies report that they are encountering no unusual delays in deliveries.

Local meteorologists predict a 59-foot crest for the Ohio River by Wednesday, which probably will affect some of the suburban theatres located in close proximity to the river or its tributaries. Managers are preparing for this eventuality. Flood stage of 52 feet already has been exceeded.

Legion Approves Eight New Pictures

Eight new pictures, reviewed and classified by the National Legion of Decency this week, were approved, five for general patronage and three for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Curtain Call," "Dark Command," "Mercy Plane," "Son of the Navy," "Young Buffalo Bill." Class A-2, Unobjectionable for Adults—"Alias the Deacon," "So This Is London," "Two Girls on Broadway."

Metro Preview Thursday

"The Flag Speaks," M-G-M two-reel color subject dramatizing the history and meaning of the flag, will be previewed at Ellis Island on Thursday at noon. National officers of patriotic organizations will attend. A luncheon will follow the screening. The film was produced following an American Legion suggestion to the M.P.D.A., which asked M-G-M to produce the film.

LEON NETTER, Paramount home office theatre executive, returned yesterday from a Southern business trip.

WILLIAM A. SCULLY, **TOBY GRUEN**, **WILLIAM F. RODGERS**, **SIDNEY PHILLIPS**, **ARTHUR HOPKINS**, **JOSEPH BERNHARD**, **LEON NETTER** and **GEORGE WELTNER** at Nick's Hunting Room in the Astor for lunch yesterday.

EUGEN SHARIN, executive vice-president of the newly formed Fortrade Corp. of America, has left for Hollywood. He expects to be gone about two months.

MADELEINE S. WHITE, secretary to **W. RAY JOHNSTON**, Monogram president, returned yesterday on the *Hector* from a 24-day Caribbean cruise.

DAVE CHERMAN of the Lawrence, New Haven, and **Barney Calechman** of the Howard, New Haven, are vacationing in Atlantic City.

NATE BLUMBERG, **BERT MAYER**, **TOM LOACH**, **BUDD ROGERS** and **JOSEPH SEIDELMAN** at Bob Goldstein's Tavern for lunch yesterday.

EDGAR E. LOYD, distributor of Czechoslovakian films, has returned from a business trip to Chicago.

SAM SHAIN is recuperating from influenza at the Park West Hospital.

Coast Flashes

HOLLYWOOD, April 22.—Milton Sperling, writer at 20th Century-Fox, today was appointed associate producer by Darryl F. Zanuck, production chief, augmenting the associate producer roster to 11, a new high for the company.

Screen Writers' Guild directors met tonight to consider further steps in reopening negotiations with producers for a collective bargaining agreement. All major studios except Columbia, RKO and M-G-M have accepted the guild's invitation to reopen discussions on the agreement which were stalemated last year.

Alice Faye has been assigned the starring roles in "Down Argentine Way" and "Belle Starr" for 20th Century-Fox. In the latter film she will take the part of the notorious Western woman outlaw.

Steven Bauer Dead

MILWAUKEE, April 22.—Steven Bauer, 60, former president and business manager of the M. P. T. O. of Wisconsin, is dead here. Bauer operated theatres in Milwaukee and Plymouth and was a partner in a film delivery service. He is survived by his widow, a daughter and a son.

Bell Associate Dies

SAN DIEGO, April 22.—Charles Sumner Tainter, former research associate of Alexander Graham Bell, died here Saturday at the age of 85. Tainter was the associate inventor of the graphophone, an instrument for transmitting sounds through the agency of light.

Optimist?

A special plane carrying 18 important industry executives back to New York from the Variety Club convention in Dallas over the weekend hit rough weather over Charlotte, N. C.

"Well," said one passenger, optimistically, "if anything happens to this ship there will be a lot of good film jobs open."

Pioneers to Induct 15 New Candidates

The Picture Pioneers, organization of 25-year industry veterans, will induct 15 new candidates for membership at its Spring dinner May 2 at the Waldorf-Astoria.

The candidates are: James Walker, former Mayor and one-time general counsel of M.P.T.O.A.; P. Morgan, Gilbert Josephson, D. Rothacker, J. Meyer Schine, J. Barkey, W. Ray Johnston, Sam Strausberg, J. R. Malcolm, Louis V. Schine, Charles L. O'Reilly, Jack Bowen, Harry M. Goetz, O. F. Nease and Paul Benjamin.

Hutchinson Leaves For Europe May 1

Walter J. Hutchinson, 20th Century-Fox foreign manager, plans to leave for Europe May 18 for sales conferences in Paris with the company's European representatives.

Hutchinson will leave for Havana by plane tomorrow to preside at sales meetings there on Thursday and Friday with company representative from Central America. He will go to Mexico City from Havana for additional sales conferences and will return to New York late next week.

To Receive Awards

PHILADELPHIA, April 22.—Leopold Godowsky, Jr., and Leopold Damrosch Mannes of the Eastman Kodak Co. Rochester, N. Y., will receive the Edward Longstreth medal of the Franklin Institute at exercises here May 13.

Heroic Theatre Usher

ROCHESTER, April 22.—John Bald Jr., 18, usher at the Capitol here Friday night rescued five youths from the barge canal after their car plunged into the water.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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JOHNNY APOLLO

means business!

- Northeasters and flood scares
- can't stop it! Reports from
- storm areas (New York, New Haven,
- Pittsburgh, Albany) say it's
- beating "The Grapes of Wrath,"
- "The Rains Came," "Stanley and
- Livingstone"! And in other
- openings (Detroit, Baltimore,
- Chicago) . . . hitting an ever
- bigger jackpot pace! Yes, sir—



→ **JOHNNY APOLLO means business—for you!**

Arnold Says No Settlement Is Acceptable

(Continued from page 1)

only one defendant company was known to have a continuing interest in a consent decree. Four companies rejected the decree outright; a fifth was advised by counsel to reject it and the others were gravely concerned over the possibility of stockholders' actions being brought against officers and directors in the event that company operations were to be adversely affected as a result of acceptance of the decree.]

Arnold Explains Delay

Appearing before Senators Neely of West Virginia and Van Nuys of Indiana to explain why the suit has not reached trial, Arnold declared the delay has been due to the new rules of procedure which have made it necessary for the Government to give the industry "all the details of its case."

The questioning of Arnold was a prelude to full hearings on Neely's new affiliated theatre divorce bill, introduced by him in the Senate two weeks ago. Committee hearings on the bill were postponed to May 16 after C. C. Pettijohn, general counsel for the M.P.P.D.A., charged that today's session was a "surprise" one. He pointed out that the hearing was not called until last Saturday afternoon, affording no opportunity for company counsel to prepare for it and asked the additional time in which to gather opposition material.

Representatives of the independent exhibitors and of several of the organizations interested in block bookings, however, were on hand and anxious to testify immediately. H. A. Cole, Allied States president, came from Dallas by plane for the session.

Approves Divorce Bill

Arnold gave unqualified approval to the theatre divorce bill as "declaratory of the common law" and expressed the opinion that it could be enacted without any criticism that Congress was trying to interfere with the courts.

He launched a long attack on the industry which, he declared, is a "vertical cartel" similar to that engineered in Germany by Hugo Stinnes, and portrayed the exhibitors as entirely at the mercy of the integrated companies. "Bitterness, mutual suspicion and hatred" have resulted from these conditions, he charged.

The only alternative to divorce is Government regulation, he told the subcommittee, adding that he did not believe the industry should be so controlled.

Arnold said the Neely divorce bill should be amended to give more than its proposed 18 months to accomplish the divestiture of theatres and to provide machinery which would not result in grave disorganization.

Pettijohn warned that the industry is in a serious situation as a result of war conditions and cannot stand much more interference.

Leases Bronx House

Brandeis Theatre Corp., headed by Mac S. Herbert, has leased for 15 years the President, 827 Westchester Ave., Bronx.

Rubin Names Committees In New York Fund Drive

(Continued from page 1)

terday. Ralph Poucher, vice-president and director of Consolidated Film Industries, was appointed chairman of the laboratory division; B. S. Moss, circuit head, the exhibitor section; Ned E. Depinet, RKO vice-president, producers; and Herman Robbins, president of National Screen Service, accessories.

An increase over last year of 50 per cent, is sought, Winthrop Rockefeller, assistant to the campaign manager, said at the luncheon. The campaign runs to June 1. Rockefeller discussed methods of familiarizing company personnel with the functioning of the organization. Affiliated

with the Fund are 393 voluntary welfare and health agencies.

Others present at the luncheon were: Austin Keough, vice-president and general counsel for Paramount; Harold Rodner, Warners; Leland E. Burrell, divisional director of the Fund; Harold D. Buckley, vice-president of United Artists; Jack Alicote and John Kane, personnel manager for Columbia. Depinet and Robbins were unable to attend, both being out of town.

A luncheon of the entertainment division of the Fund, of which Spyros Skouras is chairman, will be held tomorrow at the Plaza. The legitimate stage, ticket agencies and sports comprise this division.

20th-Fox to Seek Key Suit Dismissal

(Continued from page 1)

torneys stated, as presaging similar applications by other defendants in the event that Judge Goddard orders a dismissal. In this respect, it was pointed out that 137 individuals are named as defendants by the Government without being specifically charged with anti-trust violations.

Caskey's affidavit recites the filing by the Government of three bills of particulars and answers to interrogatories in which the Government had been required to "identify by name each defendant" linked to a specific violation. In none of these documents have any of the defendants been named, Caskey declares.

"Indeed, the answers and further answers to the interrogatories affirmatively show that the Government has absolutely no evidence of any sort of any wrongful act by the defendants and that it makes no statement of any claim against them," the affidavit concludes.

Scandinavia Film Shipments Halted

(Continued from page 1)

sibility of shipments to Sweden by way of the Pacific, Siberia and the Soviet.

Most companies are resigned to a complete shut-off of the market, however, and expect to see develop the same situation that prevailed in Spain during the civil war there. That is, theatres in the Scandinavian countries probably will be restricted for the duration of the war to prints now on hand there. Foreign department officials pointed out that theatres in Spain remained open throughout the nearly four years of the civil war, using only prints which had been shipped in before the war began.

Charter Three Firms

ALBANY, April 22.—New companies incorporated here include: Fortrade Corp. of America, by Marie Metzler, Marguerite Walsh and Mildred Lustgarten; Storm King Theatre Corp., Gloversville, N. Y., by Louis Mehl, Hannah Fahrner and Elizabeth Woods, and Community Amusement Corp., by William Friedman, Isaac Rosenblum and Morris Glaser.

'Rebecca' Gets 5th Music Hall Week

(Continued from page 1)

today and tomorrow, are expected to bolster the box-office take, as many children do not attend school on those days.

United Artists took a 1,200-line advertisement in the *Sun* and *World-Telegram* yesterday and will take similar space in all the morning papers and the *Post* and *Journal-American* today, to call attention to the five-week run. The ads will not appear on the amusement pages but will be placed among the general text of the papers. The total cost of the eight advertisements will be \$12,000, it was said.

"Til We Meet Again" opened Friday at the Strand with Wayne King's band on the stage and drew an estimated \$23,000 for the first three days. It will be held for a second week. At the Roxy, "Johnny Apollo," with a stage show, grossed an estimated \$18,750 over its second weekend. "One Million B.C." will go into the Roxy on Friday.

"Buck Benny Rides Again" opens at the Paramount tomorrow after two weeks for "Dr. Cyclops," with a stage show headed by Lupe Velez and Mitchell Ayre's band, which attracted an estimated \$14,000 on Saturday and Sunday and should finish tonight with an estimated \$30,000 for the second stanza. "The House of Seven Gables" took an estimated \$8,000 at the Rialto. At the Globe, "King of the Lumberjacks" drew an estimated \$4,200. "Gone With the Wind" drew an estimated \$17,000 for its 18th week at the Astor.

Korda Financing Deal Is Completed

(Continued from page 1)

the production of two films in London. As indicated, Korda will continue to produce in London as well as in Hollywood.

Details of the financing deal will be disclosed to United Artists board members at a meeting tomorrow.

Korda is negotiating for studio space at both General Service Studio and the Samuel Goldwyn studio, and after completing his arrangements, will come to New York by plane about Thursday. He is scheduled to leave for Europe by *Clipper* next Saturday.

Monogram to Use More Local Talent

DALLAS, April 22.—Frequent use of local talent to appear in support of western stars was agreed upon today at the closing session of the Monogram franchise holders' two-day convention at the White Plaza Hotel here. The new Tex Ritter series will be started on that basis.

A resolution of condolence was adopted for W. Ray Johnston, on the death of his father early today.

Robert J. O'Donnell of the Interstate Circuit was the chief speaker today, promising support of the company's product. A luncheon for exhibitors in the area was attended by 100 at the Baker Hotel.

The Coast delegation returned to Hollywood today.

Other speakers at today's sessions included Ed Kuykendall, president of the M.P.T.O.A., who urged that business hatreds should be forgotten for the greater good of the industry as a whole. Mike Rice, counsel for the Robb & Rowley circuit, discussed the opportunities existing for independent production and distribution. He deplored half-truths about the business which tend to warp the public mind. Jack Kirsch, president of Allied of Illinois, pledged 173 of the theatres in his organization to support Monogram.

The meeting concluded with a discussion of next season's program by Edward Golden, general sales manager.

Johnston's Father Dies at Age of 79

J. B. Johnston, 79, father of W. Ray Johnston, president of Monogram, died early yesterday morning at his home in Waterloo, Ia. His son received the news while presiding at the company's franchise holders' convention in Dallas, and flew to Waterloo immediately after the afternoon session of the convention. Funeral arrangements have not been made as yet. The elder Johnston is survived by his widow, five sons and a daughter.

Duggan Branch Manager

SEATTLE, April 22.—Al Goldstein, president of Monogram Pictures in the Pacific Northwest territory, has appointed William M. Duggan branch manager here. He was formerly manager of the Monogram exchange in San Francisco.

March Ticket Tax Totals \$2,390,931

(Continued from page 1)

814 in February; they were, however, considerably better than the March, 1939, total of \$612,785.

Admission tax collections at box-offices in the district totaled \$581,524 in March, the bureau reported, against \$591,829 in February, with other collections as follows: free or reduced rate admissions, \$6,288 against \$13,202; tickets sold by brokers, \$18,831 against \$21,138; tickets sold by proprietors at more than established price, nothing against \$326; permanent use or lease of boxes and seats, nothing against \$36; admissions to roof gardens and cabarets, \$40,888 against \$80,282.

Call C.E.A. Rental Drive 'Inadvised'

(Continued from page 1)

tribution of leaflets to all exhibitors, urging them not to pay high rentals generally, and specifically citing *Gone With the Wind*.

It is understood unofficially here that the immediate result of the leaflet distribution will be the breaking off of the preparations for joint talks between the C.E.A. and the Kinematograph Renters Society (distributors) on problems.

Discussions in provincial branches of the C.E.A. disclose that the campaign was organized by a committee and kept secret from the C.E.A. general council.

One distribution executive expressed the belief that as a result of the campaign the greater part of the best product probably would go to the circuits.

British 'Wind' Policy Is Not Decided Yet

Asserting that "*Gone With the Wind*" is not being sold in Great Britain yet, M-G-M home office executives declined to reply yesterday to the Cinematograph Exhibitors Association bulletin of last Saturday which urged British exhibitors to refuse to pay terms of "70 per cent or higher" for the picture.

Metro officials said the sales policy on the picture for Britain had not even been decided yet. They said that Sam Eckman, managing director for the company at London, would suggest the sales terms and the final decision would be subject to the approval of the home office and David O. Selznick, the producer.

"*Gone With the Wind*" opened last week in three London theatres where it will remain for indefinite runs. Selling of the picture elsewhere in Britain may not start for several weeks yet, it was said.

Saunders Returns From 'Wind' Talks

E. M. Saunders, M-G-M western division sales manager, returned to New York yesterday from a business trip to Chicago and Detroit. While in Chicago he conferred with B. & K. officials on bookings for "*Gone With the Wind*" in the circuit's neighborhood houses there. The deal is expected to be closed this week by the M-G-M Chicago branch.

Saunders conferred with censor officials in Detroit on the banning of "Strange Cargo" there and, while no agreement was reached, further discussions will be held later.

Expect Smith Next President of KRS

LONDON, April 22.—Sam Smith, chairman and managing director of British Lion Film Corp., is expected to be elected president of the Kinematograph Renters Society (distributors) at the annual meeting next Monday.

He would replace D. E. Griffiths, now president. The K.R.S. annual report, just issued, contains little outside of routine report material, and is devoted in large measure to war time activities of the organization.

Joyce of RCA Asks Films Assist Television Growth

(Continued from page 1)

television. It is about to become a gigantic industry."

Major technical difficulties have been solved, Joyce declared, and only the commercial problems remain. Phonograph companies ignored radio and today radio controls the phonograph industry, Joyce pointed out, significantly.

Television, said Joyce, welcomes aid from other entertainment fields and is willing to help them in turn. Film exploitation could be aided by showing studio work, interviewing stars, covering premieres and receptions and screening trailers over the air, he explained. Television will replace sightless radio as talkies displaced the silent film, Joyce declared.

The New York market now has 3,000 sets in use, with a weekly increase of about 50 to 100 but the increase could be 500 weekly, if the industry were permitted to promote the sale of sets, he said. After the first year of commercial television, the country will take 1,000,000 sets in five years, according to Joyce. Present pending station license applications will cover 10,000,000 families if granted. He said that pictures have been televised successfully over telephone and that national hookups are now possible. He also pointed out that the

Rocky Point station in Long Island has picked up television signals from England upon occasion and that regular reception 90 miles from any station is now possible.

The S.M.P.E. opened its four-day meeting with talks by E. A. Williford and a welcome by Mayor Charles D. White of Atlantic City. Committee reports occupied the morning business session. The first general session this morning heard papers by W. C. Beasley of the U. S. Public Health Service, on "Partial Deafness and Hearing-Aid Design," and "Color Theories and the Inter-Society Color Council," by H. P. Gage of Corning Glass Works.

The afternoon was devoted to a sound session, with papers read by the following: W. A. Mueller of the Warner studio, on "Audience Noise as a Limitation to Dialogue in Sound Pictures"; "Control of Sound in Theatres and Preview Rooms," C. C. Potwin, Erpi; "Current Practices in Blooming Sound Films," by W. H. Offenhauser, New York; "Investigation of the Influence of the Negative and Positive Materials on Ground-Noise," by O. Sandvik and W. K. Grimwood, Eastman Kodak. A lecture on "The Science of Seeing," by Matthew Luckiesh of General Electric featured the evening session.

Arthur Lee Resigns As G. B. Chief Here

Arthur A. Lee, vice-president of Gaumont British Corp. of America, yesterday announced his resignation, after a 25-year association with the company and its predecessors.

Isidore Ostrer, chairman of Gaumont British Picture Corp., Ltd., the parent company, will remain in charge of American activities, including possible television development. He arrived here several weeks ago from London. The American company has not been very active lately, with G. B. having ceased production in England about a year ago. Twentieth Century-Fox is completing liquidation of the physical distribution of two G. B. films, a few of which it took over when G. B. discontinued its exchange system here.

Lee said he plans to remain in the business and would disclose his plans about June 1 after a vacation on his island in Georgian Bay, Canada.

Executives Back From Variety Meet

A large part of the New York delegation which took time out last week to attend the annual convention of Variety Clubs in Dallas had returned to the city by yesterday, arriving here via special plane. A special train will arrive today with others.

Among the first to return via American Airlines were George J. Schaefer, Ned E. Depinet, Cresson E. Smith and A. W. Smith, Jr., of RKO; Barney Balaban, Paramount; A-Mike Vogel, *Motion Picture Herald*; Herman Wobber, 20th Century-Fox; James Mulvey, Samuel Goldwyn, Inc.; Carl Leserman, Warners; Harry Gold, United Artists; Herman Robbins, National Screen Service, and Harvey Day, Terry-toons.

Film Censor Asked In Mississippi Bill

JACKSON, Miss., April 22.—A bill to censor films shown in Mississippi has been approved by the State House of Representatives' Education Committee and placed on the calendar for early consideration. Under the measure, the Governor would appoint a three-member board of film censors to pass on all films.

Only those adjudged of a "moral, educational or amusing and harmless character" would be approved, with penalties running as high as \$1,000 for each offense for the distribution or exhibition of unapproved films or the censored portions of pictures. The bill, if approved, would become effective in 90 days. Members of the board would serve without salary, but would receive necessary traveling expenses, acquired through a fee of \$1 per 1,000 feet of each reel of film reviewed.

The Mississippi Senate today passed a bill taxing all coin-operated amusement machines in the state except the outlawed "slots," and including coin still or motion picture machines, music boxes and merchandise vendors. The levy on motion picture machines would run from \$5 on 5-cent machines to \$30 on those operated with 25 cents or over.

Delay on Educational

Creditors' hearings on Educational Films Corp. of America were adjourned yesterday to April 30 by Referee John E. Joyce on the request of William S. Brown, trustee. Postponement was granted to allow Brown additional time to investigate affairs of the company.

IN OLD MISSOURI

WEAVER BROTHERS and ELVIRY



with

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MARJORIE GATESON
THURSTON HALL
THE HALL JOHNSON CHOIR
DIRECTED BY FRANK McDONALD

Republic
PICTURE

Short Subject Reviews

"Cavalcade of Academy Awards"

(Warners)

An outstanding short subject, capable of producing nostalgia among veteran filmgoers and of exciting the younger ones, as well as being of advertising value of the institutional type, is Warners' "Cavalcade of Academy Awards," presenting for the first time a roll call of Academy of Motion Picture Arts and Sciences winners from the inception of the accolade up to and including the most recent event.

Produced under the personal supervision of Frank Capra, Academy president, the film, 31 minutes in length, has portions of outstanding films honored during the years and has shots of, among others, Emil Jannings, Warner Baxter, George Arliss, Lionel Barrymore, Fredric March, Charles Laughton, Clark Gable, Victor McLaglen, Paul Muni, Spencer Tracy, past actor award winners; and Janet Gaynor, Mary Pickford, Norma Shearer, Marie Dressler, Helen Hayes, Katharine Hepburn, Claudette Colbert, Shirley Temple, Bette Davis and Luise Rainer, past actress award winners; as well as Vivien Leigh and Robert Donat, 1939 winners. The climax of the film, narrated by Carey Wilson, comes with the shots of the recent Academy banquet, shows the crowds, the stars, producers, directors, technicians and other film folk attending and the actual awards presentation.

It is a star-studded production, tastefully done and skillfully executed in all departments. Running time, 31 minutes.

"The Hidden Master"

(M-G-M)

A good subject, well directed and convincingly enacted, makes this one of the better of the Passing Parade shorts. It tells of the part played by destiny in saving the life of Clive of India years ago, the accidental discovery of the X-ray machine, and a family of today warned of escaping gas through a telephone call. Running time, 10 mins.

"Sitka and Juneau"

(M-G-M)

A visit to two picturesque cities of Alaska, via FitzPatrick Traveltalks, should prove an enjoyable interlude for any audience. Landmarks reminiscent of the days of Russian rule, rock gardens in contrast to the snow-capped mountains in the background and the huge ice glaciers have been splendidly filmed. Running time, 9 mins.

"The New Pupil"

(M-G-M)

Alfalfa and Spanky of Our Gang, are victimized into enacting women's roles in a game with a new girl student. Informed of the setup, the rest of the gang appears on the scene, much to the embarrassment of the pair. This is amusing comedy. Running time, 11 mins.

Feature Reviews

"Irene"

(RKO)

HOLLYWOOD, April 22.—With Anna Neagle departing from her sombre assignments in "Victoria the Great" and "Nurse Edith Cavell" to play the title role taken in the 1926 film version by Colleen Moore, "Irene" comes to the screen with gayety and music.

As was the earlier picture, this is based on the James Montgomery musical comedy of the Irish girl who is made a successful model at a fashionable couturier's establishment owned by the wealthy young man who discovers his love for her and marries her. As was also true in the 1926 picture, there is a color sequence, here devoted to a ball at which Miss Neagle wears the "Alice Blue Gown" so well remembered in song.

Co-starring with Miss Neagle, who proves beyond question her fitness for the part, is Ray Milland, who also demonstrates easy handling of a role in lighter vein; while the cast also includes Roland Young, Alan Marshal, May Robson, Billie Burke and Arthur Treacher, in his 47th depiction of the frozen-faced, warm-hearted butler.

Preview night audience response was notably enthusiastic not only to the film as a whole, but to such individual aspects as the 1,500 feet of color, Miss Neagle's dancing, the puppets used for title changes in the opening and closing sequences, and the songs of Harry Tierney and Joseph McCarthy. These include both a regular and "swing" version of "Alice Blue Gown," and "You've Got Me Out On a Limb," "Castle of Dreams" and "Irene."

The screenplay was contributed by Alice Duer Miller, Herbert Wilcox producing and directing.

Running time, 92 minutes. "G."*

W. S.

"Tomboy"

(Monogram)

Marcia Mae Jones, who established herself as a promising juvenile in "First Love," "Mad About Music" and "Mother Carey's Chickens," provides a humorous and appealing interpretation of a tomboy role. Jackie Moran is cast as a studious orphan compelled to work on the farm of his uncle, George Cleveland, who dislikes too much attention to education.

Designed as family entertainment, "Tomboy" is the story of a young boy who has hopes of being a lawyer but is kept away from school by an uncle who insists that he had better work the farm. Marcia, who comes from the big city, enrolls at the school and things start popping. Jackie acquires a new interest in life, to wit, Marcia, and finally rebels against his uncle's treatment. At the end, however, Jackie comes to the aid of Cleveland and there is a general reconciliation.

William T. Lackey was associate producer and Robert McGowan directed. Dorothy Reid and Marion Orth wrote the screenplay.

Running time, 70 minutes. "G."*

EDWARD GREIF

*"G" denotes general classification.

'Rebecca' Strong \$5,700, New Haven

NEW HAVEN, April 22.—Breaking the second week record at the College, "Rebecca," dualed with "The Lone Wolf Strikes," took \$5,700. "It's a Date" and "King of the Lumberjacks" grossed \$7,000 at the Roger Sherman.

Estimated takings for the week ending April 18:

"Rebecca" (U. A.)
"The Lone Wolf Strikes" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$5,700. (Average, \$2,700)
"Too Many Husbands" (Col.)
"Charlie Chan in Panama" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$6,500. (Average, \$8,000)
"Of Mice and Men" (U. A.)
"A Chump at Oxford" (U. A.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$5,000. (Average, \$4,000)
"It's a Date" (Univ.)
"King of the Lumberjacks" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$7,000. (Average, \$5,000)

Schlesinger Closes 2-Year Warner Deal

HOLLYWOOD, April 22. — Leon Schlesinger and Warners have renewed for two years the former's contract to produce cartoons for Warner release. Schlesinger has scheduled 42 shorts for 1940-41, including 26 "Merrie Melodies" in color and 16 "Looney Tunes" featuring Porky Pig.

Schlesinger has completed 33 cartoons on his current program of 42 subjects. His plant will close for an annual two-week vacation June 28.

To "Irene" Premiere

HOLLYWOOD, April 22.—Herbert Wilcox, producer, and Anna Neagle, star of "Irene," RKO film, leave tomorrow for personal appearances at the Seattle and Portland premieres on Wednesday and Thursday, respectively.

Studio Spurt Finds 45 New Films in Work

HOLLYWOOD, April 22.—Biggest production spurt in recent history was under way this week as an almost unprecedented number of pictures—21—started, bringing the total of those before the cameras to 45. Nine were finished, 28 were being prepared and 63 were being edited.

The tally by studios:

Columbia

Finished: "Babies for Sale."

In Work: "Arizona," "The Howards of Virginia," "Block K Rides Tonight."

Started: "Five Little Peppers Abroad," "Keep Him Alive."

M-G-M

Finished: "Susan and God."

In Work: "The Mortal Storm," "Boom Town," "Phantom Raiders."

Started: "Strike Up the Band," "I Love You Again," "Old Lady 31."

Monogram

Started: "Riders from Nowhere."

Paramount

In Work: "North West Mounted Police," "I Want a Divorce."

Started: "A Night at Earl Carroll's," "Texas Rangers Ride Again," "Three Men from Texas."

RKO

Finished: "Tom Brown's School Days," "Prairie Law."

In Work: "Anne of Windy Poplars," "Lucky Partners," "Thousand Dollar Marriage."

Started: "Have It Your Own Way," "Millionaires in Prison," "Cross Country Romance."

Republic

Finished: "Doctors Don't Tell."

In Work: "Wagons Westward."

Started: "Rocky Mountain Ranger."

Edward Small

In Work: "South of Pago Pago."

20th Century-Fox

In Work: "The Young People," "Four Sons," "The Brat," "Public Deb No. 1."

Started: "Brigham Young," "Street of Memories," "Pier 13."

Universal

Finished: "South of Karanga," "Bad Man from Red Butte," "No Exit."

In Work: "The Boys from Syracuse," "One of the Boston Bullertons," "You're Not So Tough."

Started: "Hot Steel."

Wanger

In Work: "Foreign Correspondent."

Started: "The Long Voyage Home."

Warners

In Work: "The Sea Hawk," "All This and Heaven, Too," "The Life of Knute Rockne."

Started: "The Sentence," "Episode," "They Drive by Night."

Sigmund Neufeld

Finished: "I Take This Oath."

Radio Brevities

JACK BENNY and **Fred Allen** will make that joint broadcast, after all, when they appear tonight at the world premiere of "Buck Benny Rides Again," at Loew's Victoria in Harlem. They will swap stories over WHN from 8:30-8:45 o'clock, together with **Eddie (Rochester) Anderson**, in whose honor the Harlem premiere is being held, **Mark Sandrich**, producer-director of the Paramount film, **Ella Fitzgerald** and **Ethel Waters**. **Rochester** will be honored at a reception in the Savoy Ballroom after the opening.

Personalities in the News

Mickey Rooney and **Judy Garland** will be heard over NBC-Red at 9 P.M. next Saturday in an appeal for funds for refugee children. **Edward G. Robinson** will act as master of ceremonies. . . . **Glenda Farrell** will be guest on "Lincoln Highway" over NBC-Red next Saturday. . . . **Kay Kyser** will be guest on the "Fitch Bandwagon" next Sunday at 7:30 P.M. over NBC-Red.

New Montreal Studios

CKAC, pioneer French language radio station in Montreal, will inaugurate its new studios and 5,000 watt transmitter on Saturday. A special broadcast of an hour and a half will mark the ceremonies. This broadcast will last from 9:30 to 11 P. M., and from 11:30 until midnight, the station will be saluted by CBS with another special broadcast.

Program Notes

Eugene Lyons, former foreign correspondent, yesterday began a series of news broadcasts over WMCA. He will be heard Mondays through Fridays at 8:45 P.M. under the sponsorship of Modern Industrial Bank. . . . **WNEW** has sufficient phonograph records on hand for "Make Believe Ballroom" and "Milkman's Matinee" to play for 48 days, 16 hours, 48 minutes without a stop, this department has been advised. The library stocks 11,700 records. . . . "March of Games" celebrates its second birthday over CBS this Sunday at 10:30 A.M. . . . **Paul Sullivan** shifts his news programs next Monday to new hours. He will be heard at 6:30 and 7:15 P.M. and 1 A.M.

Chicago Approves F-M

Chicago police will be the first to avail themselves of the F.C.C. permission to experiment with frequency modulation for police radio calls. The department plans to install 200 F-M sets in squad cars, it is reported. Almost complete elimination of static and diathermy interference was found in experiments conducted last month. Diathermy interference is particularly serious when squad cars are patrolling areas near hospitals. It was found that the amplitude modulation transmission was unintelligible in such neighborhoods while F-M came in almost perfectly. High police officials expressed themselves as enthusiastic over the tests.

One a Year Is Average Of Pittsburgh Promotions

PITTSBURGH, April 22.—The appointment of **Charles Kurtzman**, manager of Loew's Penn here, as the circuit's district manager in Boston, recalls that in the past 10 years an average of one theatre or film man here has been promoted every year.

The list includes **Louis K. Sidney**, now a producer for M-G-M, who managed Loew's Aldine here when it was a vaudeville house; **Reeves Espy**, vice-president of Goldwyn Productions, who at one time was district manager for the Stanley Co. in this area before it was taken over by Warners; **M. J. Cullen**, former Loew's Penn manager, who is now Midwest district manager, and **Charles Ray-**

mond, another recently appointed Loew district manager, who formerly managed the Stanley here.

Others who have been promoted from this district are **John Maloney**, former M-G-M exchange manager, who became district manager; **Bert Stearn**, who formerly headed the local U. A. office and is now district head; **Harry Goldstein**, now Paramount district manager and formerly head of the local branch; **Ben Kalmenson** and **Roy Haines**, Warner division managers; and **Joseph Skirball**, who left an exchange post here to become **Frank Lloyd's** business manager before entering exhibition with his brother, **William**.

Irving Executive Secretary of AGVA

Phil Irving, former president of the New York local of the American Guild of Variety Artists, has resigned that post to become executive secretary of the local. Previously the national executive secretary, who makes his offices in New York, also handled the local's affairs but growth of the union required an additional paid officer for New York matters, it was said.

In accordance with the union's constitution, Irving will not be permitted to hold an elective post while a paid officer. He also has resigned as chairman of the international board and as a member of the national executive committee.

Pittsburgh AGVA Election on Sunday

PITTSBURGH, April 22.—**Thomas Kelly**, local organizer for the American Guild of Variety Artists, has scheduled a meeting for next Sunday to elect officers. He is seeking to organize bookers.

The current membership of A. G. V. A. locally is variously estimated to 25 to 80. More than 300 professional entertainers reside in the Pittsburgh area.

Radio Advertising Bill Signed in N. Y.

ALBANY, April 22.—Gov. **Herbert H. Lehman** today signed Assemblyman **A. F. Goldstein's** measure amending the penal law in relation to radio advertising. The bill adds strict prohibitions against untrue, deceptive or misleading advertising over any radio station, and makes any violation thereof a misdemeanor.

ANPA to Talk Films

Commercial film production and the relationship between the press and radio will come up for discussion at tomorrow's sessions of the American Newspaper Publishers Association at the Waldorf-Astoria. The extension of the Associated Press service to permit the use of A. P. news on sponsored radio programs will also be considered.

Reopens California House

DOWNIEVILLE, Cal., April 22.—**V. C. Shattuck** has reopened the old Downieville Theatre here.

It Took a War

London, April 22.—**Llang-einor**, a town in Glamorgan, South Wales, with over 2,000 inhabitants, had to wait for a European war before it saw and heard its first talking film.

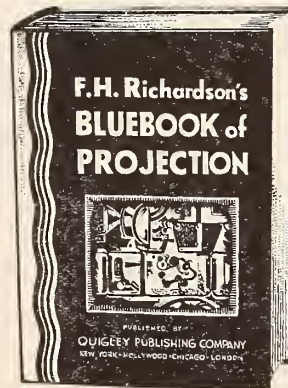
The first show of its kind was given recently in the church hall. Appropriately enough the film was "Okay for Sound."

Election of T.M.A.T. Upheld by Board

New York State Labor Relations Board yesterday overruled the objections of the Motion Picture Division of Theatrical Managers, Agents and Treasurers Union and upheld the election held for the Endicott circuit (Nelson & Renner) on Jan. 9. At the election, the T.M.A.T. was defeated for designation as collective bargaining agency for managers and assistants, by a vote of 10 to 5. Ushers, cashiers, doormen and matrons defeated the T.M.A.T. by a vote of 33 to 29. The union challenged the propriety of the election.

Bausch & Lomb Net Up

ROCHESTER, N. Y., April 22.—**Bausch & Lomb Optical Co.** has reported net profit of \$420,668 for the quarter ended March 31. The net equals 87 cents per common share, and compares with net profit of \$273,568 for the same quarter of 1939.



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Sixth Edition

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for **RICHARDSON**
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NEW YORK



THE STORY OF A TRIUMPH

ON Thursday, "REBECCA" will begin its fifth week at Radio City Music Hall. Among all the fine pictures which have played at this theatre during the seven years of its existence, only "Snow White" has played so long—no picture with living actors has even approached this remarkable record.

By the end of its fifth week, in this one theatre, "REBECCA" will have been seen and applauded by some 750,000 people. A picture must, indeed, have remarkable qualities to be so honored. And "REBECCA" *has* such qualities—not one or two, but *all* the things that go to make up superlative entertainment...

A great story... made even greater, more vivid, more powerful in its translation to the screen—so that there emerges a picture that reaches the heart and enflames the imagination of all who see it—a love story so haunting and so poignant with tenderness that it becomes a moving personal experience.

Great performances... not only by the two stars, Laurence Olivier and Joan Fontaine, but by every member of the group of talented players who make the picture live and breathe...

Inspired direction... by that master of suspense, Alfred Hitchcock—direction which so welds story and acting, so creates a mood, that one forgets that it is a picture—rather life itself which is unfolding.

But over and beyond story, acting and direction, "REBECCA" takes on the stature of a truly great picture because of the sheer genius of its producer, DAVID O. SELZNICK. The man who made "Gone With The Wind" has given to the nation and to the world another film drama that is truly great—and New York has responded with an ovation of public and critical acclaim.

*This 4 column 1200 line ad
appeared in all New York
newspapers...*

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Intelligent
and
Indispensable
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VOL. 47. NO. 81

NEW YORK, U. S. A., WEDNESDAY, APRIL 24, 1940

TEN CENTS

20th-Fox Asks Dismissal for 16 Defendants

Decision Will Affect 137 Named in Suit

Twentieth Century-Fox yesterday moved for the elimination as defendants in the Government's "key" anti-trust suit of virtually every officer connected with its company when it served upon the Government an application to dismiss the suit against 16 individual officers and directors of 20th Century-Fox and its subsidiaries.

Dismissal is asked against the following defendants: Sidney R. Kent, president of 20th Century-Fox; Darryl F. Zanuck, production vice-president; William Goetz, vice-president; Felix A. Jenkins, general counsel; Herman Wobber, general sales manager; W. C. Michel, executive vice-president, and H. Donald Campbell, John R. Dillon and Seton Porter, directors.

Results of this move may determine whether all individual defendants named in the complaint will be ordered dropped by the court, attorneys stated. It was considered particularly significant since the grounds for a dismissal would be applicable to 137 individuals named by the Government in its complaint, it was pointed out.

The application was based on the same grounds set forth by 20th Century-Fox in its answer to the Government's complaint.

(Continued on page 5)

Universal Dates

Two Sales Meetings

All Universal home office and studio executives are scheduled to attend the company's regional sales meetings at Atlantic City, May 11, and in Chicago May 18, William A. Scully, vice president and general sales manager, said yesterday. Both meetings will run three days.

The Atlantic City meeting will be held at the Ambassador Hotel, with district managers, branch managers, salesmen and bookers from the following exchanges attending: Albany, Atlanta, Boston, Buffalo, Charlotte, Cincinnati, Cleveland, Dallas, Memphis, New Haven, New Orleans, New York, Oklahoma City, Philadelphia, Pittsburgh and Washington.

The Chicago meeting, at the Drake Hotel, will be attended by field men from Chicago, Denver, Des Moines, Detroit, Indianapolis, Kansas City, Los Angeles, Milwaukee, Minneapolis, Omaha, Portland, St. Louis, Salt Lake City, San Francisco and Seattle.

CEA Plans Weekly Rental 'Black List' In Fight for Cuts

LONDON, April 23.—The Cinematograph Exhibitors Association plans to issue weekly pamphlets in the fight for reduced rentals, with systematic listing of selected high-priced films which exhibitors are asked not to book.

Exhibitors have expressed satisfaction with the results of their opening shots in the rental war, with press statements emphasizing the alleged intention of distributors to extract more money from patrons.

Although no concessions on theatre taxes were included in the budget of Sir John Simon, Chancellor of the Exchequer, labor interests are expected to make a new effort to obtain concessions when the budget reaches the committee stages in Parliament.

Coast to Oppose Daylight Saving

LOS ANGELES, April 23.—Exhibitors in this state are organizing to oppose a proposal for daylight saving time legislation which may appear on the California ballot for the first time since 1930, when the issue was overwhelmingly defeated.

Proponents are circulating initiative petitions for a referendum on daylight saving in the November elections. Charles P. Skouras, Fox West Coast head, has started a campaign against it. Addressing a meeting of independent exhibitors here yesterday, he urged that they join forces against the plan.

Television Lighting Quality Is Stressed Before SMPE

ATLANTIC CITY, April 23.—Television can produce lighting effects superior to those achieved by the photographic process, Dr. I. G. Maloff, of RCA Manufacturing, told the Society of Motion Picture Engineers during the second day of the convention today at Haddon Hall.

Although 35mm. film achieves effects better than television at present, Dr. Maloff declared, the greater flexibility of the electrical signal than the photographic emulsion eventually will give better results for television. Dr. Maloff explained that the fine points of shading in studio and outdoor scenes have become the object of intensive laboratory research. An automatic camera which will rely less

WITNESS REFUSES TO AID U. S. SUIT

New Coast Group To Seek Equality On Labor Pacts

HOLLYWOOD, April 23.—A "united front" in labor negotiations and other mutual problems is the aim of the projected organization of independent producers who release through major companies. One of the asserted purposes is to achieve parity with the major studios in dealing with the unions.

These producers, the majority of whom are not members of the Producers Association, feel they should have a central unit through which they could act on common problems, similar to the Producers Association setup. It will, however, deal with only

(Continued on page 5)

Reserve Decision On Korda Suit Plea

Federal Judge Vincent Leibel reserved decision yesterday following arguments for the dismissal of Alexander Korda as a defendant in Samuel Goldwyn's action to terminate the releasing contract with United Artists.

Louis D. Frohlich of Schwartz &

(Continued on page 5)

Exhibitor Says His Name Was Used Without Prior Knowledge

James Binkov, listed by the Government as a witness against the majors in the anti-trust suit, declared yesterday that he would not appear as a prosecution witness when the case is tried. Binkov made the statement while being examined by RKO attorneys in pre-trial proceedings.

The statement was made after Binkov had revealed that he had not complained to the Government of alleged "unfair protection terms" in Union City, N. J., where he operates the Temple Theatre, a subsequent run. Binkov declared that he had frequently "kicked" to Allied of New Jersey and indicated that Allied had turned his name over to the Government. The Government, in listing Binkov's name as a witness, had stated that he knew "unfair protection" had been accorded to affiliated houses in Union City.

The examination of Binkov was the first of a series planned by RKO to question witnesses named by the Government in the New Jersey territory. Other attorneys representing major defendants in the suit joined in the examination. The Government was represented by Special Assistant Attorney General William P. Farnsworth.

During his interrogation, Binkov disclosed that the Government had named him as a witness without a prior interview. The first time that he had conferred with a Government representative was yesterday, when he

(Continued on page 5)

New Talks Indicate

Quota Plans Near

LONDON, April 23.—The British Board of Trade is expected momentarily to summon representatives of producers, film labor and exhibitors to separate conferences at Whitehall, which is seen as indicating an early declaration of final Government policy on the quota situation.

A meeting of the Films Council is expected to follow immediately after the recovery of Sir Andrew Duncan, president of the Board of Trade, who is ill. He will amplify his plans for the industry. It is anticipated they will differ from those of Oliver Stanley, his predecessor, and may require additional conferences with the industry.

(Continued on page 8)

Bamberger Names Ampa Committees

Leon J. Bamberger, president of the Ampa, at tomorrow's meeting at Dempsey's Restaurant, will announce the committees and advisory council of the organization. Tomorrow's meeting, the first under the new Bamberger regime, will feature as guests John Garfield, Harry Carey and Aline MacMahon of the cast of the Broadway play, "Heavenly Express."

The Advisory Council includes: Mort Blumenstock, Howard Dietz, William R. Ferguson, John C. Flinn, Paul Gulick, Hal Horne, Paul N. Lazarus, Jr., Charles E. McCarthy, S. Barret McCormick, Gordon White.

The committees are as follows:

Arrangements: H. M. Richey, chairman; Jules Ziegler, Chick Lewis, Miriam Gibson.

Auditing: Gordon White, chairman; Irving Shapiro, Donovan Hall, Maurice D. Kann.

Constitution and By-Laws: Hal Horne, chairman; Paul Benjamin, John Flinn.

Employment: Monroe Greenthal, chairman; Ray Gallagher, Charles Alicote.

Entertainment: Rutgers Neilson, chairman; William R. Ferguson, Hazel Flynn.

Finance: Leon J. Bamberger, Edward Schreiber, Joseph Gould, Vincent Trotta, Martin Starr.

Membership: Lou Pollock, chairman; Al Finestone, Wilma Freeman, Kenneth Clark.

Publicity: Herbert Berg, chairman; Si Seadler, Jeanette Sauer, Ruth Weisberg.

Reception: Louis Lifton, chairman; Blanche Livingston, Vincent J. Trotta.

Welfare: Paul M. Lazarus, Jr., chairman; Don Mersereau, Charles C. Pettijohn, Patricia Reis.

Purely Personal

JOHN J. FRIEDL, head of Minnesota Amusement Co., arrived in New York yesterday for Paramount home office conferences.

J. ROBERT RUBIN, OSCAR DOOB, HARRY GOETZ, SAM CITRON, HERB EDWARDS, WILLIAM FITELSON, R. M. SAVINI, JOSEPH MALCOLM and ARTHUR LEE lunching at Bob Goldstein's Tavern yesterday.

GILBERT JOSEPHSON of the World Theatre leaves for the Coast by plane today for the opening of "The Baker's Wife" at the Esquire in Hollywood.

IRVING LESSER, JOSEPH MOSKOWITZ, AL YOUNG, JACK GOETZ and JOSEPH PINCUS lunching at Lindy's yesterday.

NAT FURST, New England manager for Imperial, announces the engagement of his daughter, ESTELLE, to ARNOLD SILVERMAN, Boston attorney.

FATHER BERNARD R. HUBBARD, Alaskan explorer, will show his film, "Cliff Dwellers of the Far North," at the Mosque in Richmond Friday.

DAVID PALFREYMAN of the M.P. P.D.A. returned yesterday from Dallas.

WILLIAM DALTON, former organist at the Byrd and Loew's in Richmond, is at a Columbus, Ohio, sanatorium.

IRVING RAPPER, Warner dialogue director, will arrive here today from the Coast for a brief vacation.

LEONARD GOLDENSON and SAM DEMBOW, JR., arrived from Dallas yesterday.

ARTHUR JACOBSON, BARNEY BALABAN, VINTON FREEDLEY, LEE SHUBERT, STANTON GRIFFIS, ERWIN GELSEY, HARRY OSHRIN, JACK KIRKLAND, GUY BOLTON, HARRY RUBY, AL LEWIS and MORRIS GEST at Sardi's for lunch yesterday.

ADOLPH ZUKOR, AUSTIN KEOUGH, LEON NETTER, ERNO RAPEE, DOUGLAS MCPHAIL, SAM DEMBOW, CHARLES E. MCCARTHY and TED O'SHEA at Nick's Hunting Room in the Astor for lunch yesterday.

LOU VOGEL has joined Premium Promotion Syndicate as representative and manager of the Western Pennsylvania and Eastern Ohio territory.

OTIS KYGER, manager of the State, Reading, Va., has taken his wife to Richmond for medical attention at Grace Hospital.

E. H. GRIFFITH, producer-director, is in Charlottesville, Va., visiting HUNTER PERRY, president of Dominion Theatres, Inc.

NAT WACHSBERGER, vice-president of Film Alliance of the U. S., has returned from the Coast.

JERRY ADAMS, M-G-M salesman in Indianapolis, celebrates a birthday today.

Newsreel Parade

A train wreck at Little Falls, N. Y., floods in Ohio and a gale in New England are the principal news events as covered in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 65—Train wreck in New York. Britain rushes Singapore defenses. Sheep shearing in Washington. Fire in Panama. Floods in Ohio. Storm in New England. Schooners on cutter trip. Variety Club convention in Dallas. Roosevelt talks at Washington. Dinghy racing. Marathon race in Boston. Crew race at Seattle. Agriculture show in Australia. Tractor show in Kansas. Lew Lehr.

NEWS OF THE DAY, No. 263—Railroad disaster. British troops at Singapore. Roosevelt speaks on war policy. Variety Club convention. Gale in New England. Chinese girls on the Coast. Tennis. Wrestling.

PARAMOUNT NEWS, No. 68—Train wreck takes heavy toll. New Chinese Government. Kai-Shek denounces puppet ruler. Blizzard in Northeast. Floods in Ohio. Roosevelt discusses foreign affairs. Housing project in Rio Grande Valley. Federal housing units in Florida. "U. S. Side Down" girl weds.

RKO PATHE NEWS, No. 80—Fire in Panama. Roosevelt speaks at Washington. Ickes and Johnson argue their term issue. Train disaster in New York. Horse show in Australia. Bears vs. Huskies crew race.

UNIVERSAL NEWSREEL, No. 889—Train wreck. New Chinese ruler. Floods in Ohio. Storm in New England. Roosevelt defends war policy. Dewey at Republican rally. Variety Club convention. Chinese girls in California. Crew race. Baseball. Horse racing.

N. Y. Appeals Court Upholds 'Baby' Ban

ALBANY, April 23.—Efforts to overrule the New York censor ban imposed on "The Birth of a Baby" failed in the state's highest tribunal when the Court of Appeals today unanimously affirmed the orders assessed court costs against the appellants. No opinion was handed down.

The case reached the Court of Appeals on argument two weeks after previous efforts to gain an exhibition license for the film had failed. Appellants were the American Committee on Maternal Welfare, Inc.

New Pact for Ratoff

HOLLYWOOD, April 23.—Gregor Ratoff, who held a writer-director actor contract with 20th Century-Fox, will confine his efforts to directing only, according to the terms of a new contract.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Warners Theatre Managers to Meet

Warner Theatres zone managers will hold a meeting at the home office today, over which Joseph Bernhard, general manager of theatres, will preside.

Home office executives participating will include: Clayton Bond, Ed Hinchy, Leonard Schlesinger, Harry Goldberg, Frank Phelps, Nat Fellman, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Herman Maier and Frank Cahill.

Zone managers at the meeting will be: James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacobs, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington; Herbert Copelan, Atlantic City.

Bowles on Fair Board

SAN FRANCISCO, April 23.—Arch M. Bowles, manager of northern California division of Fox West Coast Theatres, has been named a member of the California Commission for the 1940 Golden Gate International Exposition.

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PREVIEW!



Inglewood, California—"WATERLOO BRIDGE" stampeded a cheering Preview audience into ecstatic raves as another M-G-M hit was unreeled here at the Academy Theatre. Vivien Leigh's first production since her acclaim in "Gone With The Wind" and Robert Taylor's most powerfully romantic role combined to elicit "ohs" and "ahs" from the femme fans. Eyes of the motion picture colony are on the M-G-M Studio. Last week it was the sensational Preview of Spencer Tracy's "Edison, The Man." This week it's "Waterloo Bridge." Next week it will be the Preview of Wallace Beery's "20 Mule Team" and more triumphs to come in Leo the Lion's parade of successes!

'Date' Takes Good \$8,500 Seattle Gross

SEATTLE, April 23.—Top spot went to "It's a Date" at the Paramount with \$8,500. "My Son, My Son" drew \$7,200 at the Fifth Avenue, but most others were below normal. The weather was fair and mild.

Estimated takings for the week ending April 19:

"Pinocchio" (RKO)
 "Little Orvie" (RKO)
 BLUE MOUSE—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,000. (Average, \$4,000)
 "My Son, My Son" (U. A.)
 FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$7,200. (Average, \$7,000)
 "Rebecca" (U. A.)
 LIBERTY—(1,800) (25c-40c-55c) 7 days, 4th week. Gross: \$4,900. (Average, \$5,000)
 "Abe Lincoln in Illinois" (RKO)
 MUSIC BOX—(950) (25c-40c-55c) 7 days. Gross: \$4,400. (Average, \$4,000)
 "Black Friday" (Univ.)
 "House of Seven Gables" (Univ.)
 ORPHEUM—(2,450) (25c-40c) 7 days. Gross: \$5,700. (Average, \$6,000)
 "Three Cheers for the Irish" (W. B.)
 PALOMAR—(1,500) (25c-40c) 7 days. Vaudeville headed by Ada Brown. Gross: \$4,900. (Average, \$5,000)
 "It's a Date" (Univ.)
 "Millionaire Playboy" (Univ.)
 PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$8,500. (Average, \$6,000)

'Passage' Scores \$12,000, Milwaukee

MILWAUKEE, April 23.—"Northwest Passage" connected for the week's best take at Fox's Wisconsin, grossing \$12,000 at an admission top 10 cents above the regular price. Estimated takings for the week ending April 18:

"Too Many Husbands" (Col.)
 "The Secret of Dr. Kildare" (M-G-M)
 PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$4,000)
 "Convicted Woman" (Col.)
 RIVERSIDE—(2,700) (30c-35c-40c) 7 days. Stage: Ethel Shutta, George Givot, Sammy Cohen, Jackie Heller. Gross: \$7,800. (Average, \$6,500)
 "Strange Cargo" (M-G-M)
 "One Was Beautiful" (M-G-M)
 STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$1,500. (Average, \$1,500)
 "Pinocchio" (RKO)
 "Courageous Dr. Christian" (RKO)
 WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$8,500. (Average, \$4,500)
 "Northwest Passage" (M-G-M)
 WISCONSIN—(3,200) (35c-40c-60c) 7 days. Gross: \$12,000. (Average, \$5,500)

'My Son' Pulls Big \$14,000, Cleveland

CLEVELAND, April 23.—"Road to Singapore," at Loew's Stillman, grossed \$7,000 for its second week. "My Son, My Son" at Loew's State drew \$14,000. Spring weather helped. Estimated takings for the week ending April 18:

"Pinocchio" (RKO)
 ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: \$4,500. (Average, \$4,000)
 "Primrose Path" (RKO)
 WARNER'S HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$8,500. (Average, \$11,000)
 "Abe Lincoln in Illinois" (RKO)
 RKO PALACE—(3,100) (30c-42c-55c) 7 days. Tommy Riggs, Buddy Ebsen and show on stage. Gross: \$14,000. (Average, \$13,500)
 "My Son, My Son" (U. A.)
 LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$14,000. (Average, \$11,000)
 "Road to Singapore" (Para.)
 LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: \$7,000. (Average, \$4,000)

Hollywood Reviews

"The Saint Takes Over"

(RKO)

HOLLYWOOD, April 23.—In this, Howard Benedict's second production, the "Saint" series of detective pictures based on the character created by Leslie Charteris, touches a new high of its own and tops anything in kind currently being offered. For every one of its 70 minutes this tightly plotted melodrama had a Friday night audience at a downtown Los Angeles theatre, shifting steadily from laugh to thrill, enjoying itself immensely and applauding at the finish.

This time George Sanders in the title role, best of his many well defined characterizations, is aided by Jonathan Hale, Paul Guilfoyle, Wendy Barrie, Morgan Conway, Robert Emmett Keane and a cast composed of uniformly dependable players. The screenplay, by Lynn Root and Mark Fenton, has the Saint coming to America to clear up shady circumstances surrounding the dismissal of an old friend from the detective force. Four or more die before the Saint's job is completed and their passings are made to yield the utmost in melodramatic effect. Direction by Jack Hively is adroit in the extreme and film editor Desmond Marquette rates special mention for a superb cutting job.

Running time, 70 minutes. "G."*

ROSCOE WILLIAMS

"Rhythm of the Rio Grande"

(Monogram)

HOLLYWOOD, April 23.—From start to finish, "Rhythm of the Rio Grande" is a melange of hard riding, shooting, fighting and music fitted together into a highly acceptable western picture. Again starring Tex Ritter, this Edward Finney production has Suzan Dale, Warner Richmond, Martin Garralaga, Frank Mitchell, Mike J. Rodriguez, Juan Duval, Tristram Coffin, Forrest Taylor and Glen Strange as supporting players.

Al Herman directed with an eye to making the most of scenery and action. Robert Emmett wrote the screenplay which has Ritter, a singing cowboy, arriving in Cinco Valley to look for a lost friend. The valley is being raided, presumably by a Mexican bandit, and Ritter in his hunt for the robber is captured by him. He enlists the aid of the bandit in his search by a promise that he will prove to the satisfaction of the Rangers that the Mexican is not responsible for the raids. He does so in a fighting climax which unmasks the real criminal.

The film uses three songs, "Rhythm of the Rio Grande" and "Mexicali Moon," by Frank Harford; and "Pablo, the Mexican Bandit," by Johnny Lange and Lew Porter.

Running time, 55 minutes. "G."*

VANCE KING

*"G" denotes general classification.

"Rebecca" Garners \$3,200 in Montreal

MONTREAL, April 23.—"Rebecca" in the fourth week at the Orpheum took \$3,200. The second week of the second run of "Gone With the Wind" at His Majesty's brought \$7,500.

Estimated takings for the week ending April 19:

"I Take This Woman" (M-G-M)
 "Joe and Ethel Turp Call on the President" (M-G-M)
 CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,200. (Average, \$8,000)
 "Gone With the Wind" (M-G-M)
 HIS MAJESTY'S—(1,700) (75c-\$1.13) 7 days, 2nd week. Gross: \$7,500. (Average, \$8,500)
 "Rebecca" (U. A.)
 ORPHEUM—(919) (25c-35c-50c) 7 days, 4th week. Gross: \$3,200. (Average, \$5,000)
 "Pinocchio" (RKO)
 LOEW'S—(2,800) (25c-30c-40c-60c) 7 days, 2nd week. Gross: \$5,300. (Average, \$8,000)
 "Virginia City" (W. B.)
 PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$8,000. (Average, \$10,000)
 "Allegheny Uprising" (RKO)
 "Two Thoroughbreds" (RKO)
 PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$3,800. (Average, \$5,000)

Set Warner Club Dance

PHILADELPHIA, April 23.—The office workers members of the Warner Club will hold their annual Spring dinner and dance at the Cedarbrook Country Club on May 10. Ellis Shipman is in charge of arrangements.

"Primrose" Scores \$9,000, Providence

PROVIDENCE, April 23.—Double-billed at the RKO Albee, "Primrose Path" and "Framed" piled up \$9,000, but business elsewhere was off. The run of bad weather was partly to blame.

Estimated takings for the week ending April 17-18:

"Primrose Path" (RKO)
 "Framed" (Univ.)
 RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: \$9,000. (Average, \$6,000)
 "Too Many Husbands" (Col.)
 "Man With Nine Lives" (Col.)
 LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$9,000. (Average, \$11,000)
 "Dr. Ehrlich's Magic Bullet" (W. B.)
 "Legion of Lost Fliers" (Univ.)
 MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$7,000)
 "Adventure in Diamonds" (Para.)
 "Son of the Navy" (Mono.)
 STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$6,000)
 "King of the Lumberjacks" (W. B.)
 FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Lorraine and Rogan Duo; Hamtree Harrington and Cora Green; Jim Penman; Richards and Carson, and the Three Titans. Gross: \$5,000. (Average, \$6,500)
 "Young Tom Edison" (M-G-M)
 "The Secret Four" (Mono.)
 CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$2,400. (Average, \$3,500)
 "The Grapes of Wrath" (20th-Fox (3 days)
 "Music in My Heart" (Col.) (3 days)
 "My Little Chickadee" (Univ.) (4 days)
 "Castle on the Hudson" (W. B.) (4 days)
 EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,400. (Average, \$1,700)

'It's a Date' Loop's Best With \$16,000

CHICAGO, April 23.—"It's a Date" plus "Half a Sinner" gave the RKO Palace a good \$16,000. "Broadway Melody of 1940" at the Roosevelt drew \$11,400 and "Adventure in Diamonds" at the State-Lake brought \$16,600. The weather was cold and unsettled most of the week.

Estimated takings for the week ending April 17-20:

"Dr. Ehrlich's Magic Bullet" (W. B.)
 APOLLO—(1,400) (35c-55c-75c) 7 days, 2nd week. Gross: \$4,400. (Average, \$6,000)
 "Virginia City" (W. B.)
 CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: \$32,800. (Average, \$32,000)
 "Too Many Husbands" (Col.)
 GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$3,500. (Average, \$5,000)
 "Gone With the Wind" (M-G-M)
 ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 7 days, 12th week, 3 shows daily. Gross: \$25,600. (Average, \$13,000)
 "It's a Date" (Univ.)
 "Half a Sinner" (Univ.)
 PALACE—(2,500) (35c-55c-75c) 7 days. Gross: \$16,000. (Average, \$12,000)
 "Broadway Melody of 1940" (M-G-M)
 ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: \$11,400. (Average, \$11,000)
 "Adventure in Diamonds" (Para.)
 STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Vaudeville Revue. Gross: \$16,600. (Average, \$14,000)
 "Rebecca" (M-G-M)
 UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: \$16,500. (Average, \$14,000)
 "Gone With the Wind" (M-G-M)
 WOODS—(1,100) (\$1.10-\$1.50) 7 days, 12th week, 2 shows daily. Gross: \$9,800.

"Virginia" at \$8,400 In Kansas City

KANSAS CITY, April 23.—"Virginia City" took \$8,400 at the Newman and was held. Cold and rainy weather hurt business as did the Walkathon at Plaza.

Estimated takings for the week ending April 16-18:

"Dark Command" (Rep.)
 ESQUIRE—(800) (25c-40c) 7 days. Gross: \$2,500. (Average, \$2,500)
 "Too Many Husbands" (Col.)
 MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$9,400. (Average, \$9,500)
 "Virginia City" (W. B.)
 NEWMAN—(1,900) (25c-40c) 7 days. Gross: \$8,400. (Average, \$7,000)
 "Primrose Path" (RKO)
 "Danger on Wheels" (Univ.)
 ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: \$3,700. (Average, \$5,000)
 "Village Barn Dance" (Rep.)
 TOWER—(2,200) (25c) 7 days. Stage: Jimmie Lunceford & His Orchestra, featuring the Lunceford Glee Club, Mill Bros. & Lois, Swan & Lee, The Dandridge Sisters. Gross: \$7,000. (Average, \$6,000)
 "Dark Command" (Rep.)
 UPTOWN—(2,000) (25c-40c) 7 days. Gross: \$3,500. (Average, \$3,500)

"Edison" Grosses \$7,100, Omaha High

OMAHA, April 23.—"Young Tom Edison" pulled \$7,100 at the Omaha for the best of a fair week. Annual high school shows and rainy weather added to the lack of business.

Estimated takings for the week ending April 18-19:

"Abe Lincoln in Illinois" (RKO)
 "Saint's Double Trouble" (RKO)
 BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$3,300. (Average, \$4,000)
 "Young Tom Edison" (M-G-M)
 "Earl of Chicago" (M-G-M)
 OMAHA—(2,200) (25c-40c) 7 days. Gross: \$7,100. (Average, \$6,000)
 "Of Mice and Men" (U. A.)
 "The Farmer's Daughter" (Para.)
 ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,700. (Average, \$7,200)

20th-Fox Requests 16 New Dismissals

(Continued from page 1)

20th-Fox in a similar motion served upon the Government on Monday, which had requested a dismissal against three directors of the company. An affidavit of John F. Casey, 20th Century-Fox attorney, charged the Government with failing to set forth a single allegation which could connect the defendants with acts of monopoly in violation of the anti-trust laws.

In addition, motions have been served by 20th Century-Fox petitioning for dismissal of the suit against Truman Talley, vice-president of Movietone; Sydney Towell, treasurer; Hermann G. Place, director; Spyros Skouras, president of National Theatres; and A. S. Gamby, H. C. Cox and John Edmundson, National Theatres executives.

All 20th Century-Fox applications to dismiss will be heard by Federal Judge Henry W. Goddard on April 30.

Reserve Decision On Korda Suit Plea

(Continued from page 1)

Frohlich, counsel for Korda, contended that Korda should be eliminated as a defendant in the action because the plaintiff is not seeking any relief from him. Frohlich also opposed an application by Goldwyn's attorney to examine Korda in the action. The court indicated that there was no objection to an examination of Korda as a witness but reserved decision on an examination of Korda as a party to the action.

Edward C. Raftery of O'Brien, Driscoll & Raftery, United Artists attorneys, attacked the Goldwyn complaint for alleged defects, pointing out that some basic contentions in the complaint are in dispute in actions started by Goldwyn in Delaware Federal courts which are still pending.

Judge Leibell allowed both sides one week for filing briefs.

New Coast Group To Seek Equality

(Continued from page 1)

local problems and interests, according to William Holman, manager of Frank Capra Productions, who presided at a closed session at which first discussions took place.

Holman said the proposal has been favorably received by representatives of 11 producers, including James Roosevelt, Walter Wanger, Hal Roach, Samuel Goldwyn, David O. Selznick, Alexander Korda, Sol Lesser, Edward Small, David Loew, Richard Rowland and Frank Lloyd.

Of these, Wanger, Goldwyn, Roosevelt and Roach are members of the existing Producers Association. Holman said Capra and Selznick formulated the idea for an independents' organization.

Ziegfeld Club at Capitol

Members of the Ziegfeld Club attended the afternoon performance of Eddie Cantor's M-G-M film, "Forty Little Mothers," at the Capitol yesterday. Cantor will appear at the club's annual benefit Saturday night at the Waldorf-Astoria.

Coast Flashes

HOLLYWOOD, April 23.—Gerald I. Farman has been appointed an assistant by Howard R. Philbrick, new general manager of Central Casting Corp. Farman formerly was director of WPA operations here. He will assist in handling interviews and complaints of extra players in a new policy under which long delays will be eliminated.

Screen Writers' Guild negotiations with the producers on a collective bargaining agreement will start after May 8, when the guild will hold a special membership meeting to obtain final approval of members on major points.

Harold Dodds, for several years casting director at Republic, today resigned effective May 1. No successor has been appointed.

Universal will make a feature based on "The Leather Pushers," its former short subject series. Andy Devine and Richard Arlen will be featured. Larry Rhine and Ben Chapman will write the story.

George F. Dembow, vice-president of National Screen Service, arrived today for a short stay.

Sax and Orsatti Fix Plan of Franchises

HOLLYWOOD, April 23.—A group headed by Sam Sax and Frank Orsatti, interested in the Phonovision Corp., met last night to shape details of a plan for franchising distributors of coin-operated automatic projectors in cocktail lounges and other public places.

Sax said today the company is now ready to distribute machines and produce films. The complete board of directors will be announced May 3, he declared. Sax said he would leave for New York at the end of the month to complete company arrangements. Distribution throughout the country will be based on units of population.

Educational Stock Ordered Removed

The S.E.C. yesterday indicated that it would order the removal of the listing of Educational Pictures' stock from the Chicago Board of Trade after Earle W. Hammons, former president of Educational, testified before the commission. Hearings were adjourned to May 6, but Examiner Adrian C. Humphries stated that it was a mere formality and that the Commission would undoubtedly issue an order of removal.

Hammons told the Commission that Educational had no objection to the proposed order and added that there had been no stock transactions recorded since Educational had filed the listing.

Noviska Due Tomorrow

Toni Noviska, Polish dancer, is due tomorrow on the *Conte de Savoia* for screen tests by David Loew and Albert Lewin for the lead in their United Artists film, "Flotsam."

Technicolor Year Profit Is \$912,614

Technicolor, Inc., and its subsidiary, Technicolor Motion Picture Corp., yesterday reported consolidated earnings of \$912,614 for the year ended Dec. 31, 1939. Net profit for 1938 was \$1,050,536.

Preliminary figures for the first quarter of 1940 indicate a profit of approximately \$556,000 for the three months, compared with a profit of \$310,468 for the corresponding quarter last year.

Net sales for 1939 amounted to \$5,111,629, compared with the previous high of \$4,646,991 for 1938. Shipments of positive prints last year amounted to 70,126,156 feet, compared with a previous high of 66,720,237 in 1938.

Footage for the first quarter of 1940 was approximately 30,900,000 feet compared with 21,100,000 feet for the corresponding quarter last year.

Pennsylvania Unit To Meet Tomorrow

PHILADELPHIA, April 23.—The annual Spring luncheon meeting of the United M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware has been called for Thursday at the Bellevue Stratford Hotel.

There will be an open discussion on high percentages for product, the quality of product, the Neely bill, and the Federal anti-trust suit, with special reference to those local members who have been subpoenaed as Government witnesses. George P. Aarons will preside.

U.S. Witness Not to Testify At Suit Trial

(Continued from page 1)

had discussed Union City theatre conditions with Farnsworth, Binkov declared.

Binkov told of earlier days in Union City exhibition when, he claimed, an exhibitor could obtain first run on films by offering the best terms for them. Prior to the advent of sound, he stated, the Temple Theatre was able to obtain first run on any product played in his area.


When the affiliated circuits entered exhibition in Union City, they relegated his theatre to subsequent run showings, Binkov contended. The witness, in response to persistent questioning, conceded that his theatre was 25 years old and that it had been one of the last in Union City to install sound equipment.

For several hours, Binkov detailed the exhibition situation in his town. He named each theatre, specified its seating capacity and admission price policy, and fixed the location of each house. Attorneys for the majors brought out the fact that a number of independent houses received product after Binkov's theatre.

Examinations will continue today with defense counsel questioning James C. Forgiione of Metuchen, N. J., another witness listed by the Government.

Grandpa GOES TO TOWN

A HIGGINS FAMILY PICTURE



JAMES LUCILE RUSSELL **GLEASON**

HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS

A REPUBLIC PICTURE

"Try to
make a monkey
out of me, willya, you
big Palooka! I think I'll
slap ya right in the
pose—and, when I
slap 'em, they stays
slapped!"

Denver Gives 'Rebecca' Big \$11,000 Week

DENVER, April 23.—"Rebecca," double billing at the Denver with "Viva Cisco Kid," drew \$11,000 with "Young Tom Edison" and "Marines Fly High" at the Orpheum taking \$9,500.

Estimated takings for the week ending April 17:

"Too Many Husbands" (Col.)
"Charlie Chan in Panama" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$3,500. (Average, \$3,500)
"Strange Cargo" (M-G-M)
"Henry Goes Arizona" (M-G-M)
BROADWAY—(1,040) (25c-35c-40c) 7 days, 2nd week. Gross: \$2,000. (Average, \$2,500)
"Light of the Western Stars" (Para.)
DENHAM—(1,750) (30c-40c-50c) 7 days, 2nd week of Marcus stage show. Gross: \$9,000. (Average, \$6,000)
"Rebecca" (U. A.)
"Viva Cisco Kid" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$11,000. (Average, \$8,000)
"Young Tom Edison" (M-G-M)
"Marines Fly High" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$9,500. (Average, \$8,000)
"Three Cheers for the Irish" (W. B.)
"Ma, He's Making Eyes at Me" (Univ.)
PARAMOUNT—(2,300) (25c-40c) 7 days. Gross: \$4,500. (Average, \$3,500)
"Virginia City" (W. B.)
"Convicted Woman" (Col.)
RIALTO—(878) (25c-40c) 7 days, "Virginia City" 3rd week. Gross: \$2,000. (Average, \$1,750)

Associates Meet Friday

Motion Picture Associates will hold a special meeting at the Hotel Astor Friday to amend the organization's charter to permit it to engage in charitable work.

Studios Buy Four Stories; Production Pace Speeded

HOLLYWOOD, April 23.—In a week marked by an intensive production drive in which 21 pictures went before the cameras, four stories were purchased and an option was taken on another.

Warners purchased: best selling novel, "Mr. Skeffington," by "Elizabeth," for a possible BETTE DAVIS vehicle; "King's Row," saga of the Middle West for JAMES CAGNEY, ANN SHERIDAN and JOHN GARFIELD, written by HENRY BELLARMINI; and "The Purple Heart," based on the Order of the Purple Heart, given to American soldiers since Washington's time for bravery. KATHERINE KING, a studio secretary, wrote the last, which will be filmed in color as a historical featurette.

BORIS MORROS acquired from RALPH SPENCE and MRS. WILLIAM SIDNEY PORTER a story based on the life of PORTER (O. HENRY) for his National Pictures Corp.

SAM WOOD has taken an option on "The Colonel," original by PARKS JACKSON based on the life of EDWARD GREEN, son of the late HETTY GREEN.

Placing MAURICE CONN in charge of the western picture department, FRANKLYN WARNER, head of the Fine Arts Pictures, is preparing to place "Red Gardenias" and "Flying Heels" before the cameras this week, and is preparing "If This Be Treason," "King's Highway" and "Empire of the West."

At the same time WARNER is nego-

tiating with FREDERICK FEHER for the latter to produce a series of 12 musical shorts in color. A contract for Western Electric recording has been signed.

Second of the Nick Carter detective stories at M-G-M will be titled "Phantom Raider," with WALTER PIDGEON, FLORENCE RICE and JOSEPH SCHILDKRAUT in the leads. . . . VIRGINIA BRUCE will play opposite GEORGE BRENT in Warners' "The Sentence," formerly called "Broadway Lawyer." "The Sentence" was the former title for "The Letter," W. SOMERSET MAUGHAM story which BETTE DAVIS will star in and which now reverts back to the original title. Now Warners want a story for the title "Broadway Lawyer." . . . "Gold Rush Maisie" at M-G-M will be the third "Maisie" picture featuring ANN SOTHERN. . . . BENNY RUBIN goes into RKO's "Lucky Partners." . . . MARTHA SCOTT has been set for the lead opposite CARY GRANT in Columbia's "The Howards of Virginia," formerly "The Tree of Liberty." . . . JOE NADEL joins National Pictures Corp. as production manager for the company's first feature, "Second Chorus," featuring PAUL WHITEMAN and his band. . . . LEWIS STONE and ROBERT YOUNG draw leads in M-G-M's "One Came Home," which S. SYLVAN SIMON directs.

"Chum," the infant of "Forty Little Mothers," goes into M-G-M's "Boom Town." . . . TRUMAN BRADLEY replaces PATRIC KNOWLES in "Millionaires in Prison;" KATHARINE ALEXANDER goes into "Have It Your Own Way;" HEDDA HOPPER in "Cross Country Romance;" FRANK CRAVEN to "Money Isn't Everything," all at RKO. . . . WILFRID LAWSON, English actor, will play in the JOHN FORD-WANGER film, "The Long Voyage Home." . . . ROBERT PAIGE will play opposite GRACE McDONALD in Paramount's "Dancing on a Dime." . . . GEORGE SANDERS has been borrowed from 20th Century-Fox for Wanger's "Foreign Correspondent."

Paramount has extended the contract of ALBERT DEKKER. . . . HARRY SHERMAN has decided to put music in all the Hopalong Cassidy pictures, signing the KING'S MEN, quartet, for the singers, to start in "Doomed Caravan." They will not appear in the current shooting "Three Men from Texas." . . . VIRGINIA WEIDLER joins "Gold Rush Maisie" at M-G-M. . . . EDWARD DMYTRYK will direct Paramount's "Mystery Ship," which EUGENE ZUKOR will produce from a story based on newspaper accounts of wartime sea raiders. . . . E. E. PARAMORE wrote the screenplay from ROBERT GRANT'S original.

M. G. Felder Bankrupt

Max G. Felder, manager for Popular Theatres, Inc., and Twin Theatres, Inc., yesterday filed a petition in bankruptcy here, listing liabilities of \$57,544 and no assets. The petition listed as creditors Joe Hornstein, Inc. with a claim of \$35,746 on promissory notes; National Theatre Supply Co. Inc., \$2,525; Columbia Pictures, \$1,100, and United Artists, \$450.

Tips on Exploitation

Four-Way Promotion For 'Young Edison'

PHILADELPHIA, April 23.—A four-way, large-scale promotion for the showing of "Young Tom Edison" at the Stanley-Warner neighborhood houses was arranged by Ev Calloway, advertising and publicity head here. In the search for "the most interesting invention," restricted to boys 10 to 15 years of age, the campaign is under the auspices of WPEN, the Philadelphia Daily News and the Frank R. Smith Institute.

Each participating theatre will conduct preliminary contests to select tv winning boy inventors; WPEN will conduct an essay contest on Edison among its listeners; the Daily News will carry running stories on the contest; and the Institute will make the presentation of a Mickey Rooney trophy to the city-wide winner at dinner at the museum on April 30.

'Meet Again' Cocktail Used in Kansas City

KANSAS CITY, April 23.—In advance of "Til We Meet Again," Lawrence Lehman, manager of the Orpheum, arranged with leading hotels and bars here to feature the "Til We Meet Again Cocktail," which is mentioned frequently in the film. Cocktail cards on cocktail and picture (with theatre and playdate) were furnished the hotels and bars and were displayed prominently. Lehman also ran an eight-day contest for women in the Journal. The 20 best 50-word letters on the situation in the picture each brought a pair of passes.

Numbered Programs Used in Vancouver

VANCOUVER, B. C., April 23.—The York Theatre, suburban house in Vancouver, issues a small vest pocket folder listing the entire month's program of features. Each of these is numbered, and 100 numbers are listed at the box-office, each of which entitles the holder of the corresponding program number to a free admission.

'Rebecca' \$17,500 Smash in Cincinnati

CINCINNATI, April 23.—"Rebecca" did a terrific \$17,500 at the RKO Albee, and "Too Many Husbands" racked up \$12,000 at the RKO Palace. Other houses, while not going over average, did nicely. Continued cold weather was a stimulant to business.

Estimated takings for the week ending April 17-20:
"Rebecca" (U. A.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$17,500. (Average, \$12,000)
"Too Many Husbands" (Col.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$12,000. (Average, \$10,000)
"Raffles" (U. A.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: \$4,500. (Average, \$10,000)
"The Road to Singapore" (Para.)
RKO CAPITOL—(2,000) (35c-42c) 7 days. Gross: \$5,000. (Average, \$6,500)
"The Primrose Path" (RKO)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$3,800. (Average, \$5,000)
"Laughing at Life" (Mascot)
"Knights of the Range" (Para.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,400. (Average, \$1,500)
"Convicted Woman" (Col.)
"Outside the Three-Mile Limit" (Col.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$850. (Average, \$900)
"It's a Date" (Univ.)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: \$5,100. (Average, \$6,000)

AMPA

presents

★ **JOHN GARFIELD**
★ **HARRY CAREY**
★ **ALINE MacMAHON**

at the regular luncheon meeting
which you are invited to attend at

Jack Dempsey's Restaurant
8th Avenue at 50th Street

TOMORROW--THURSDAY--APRIL 25

Promptly at 12:45!

Members \$1.00
Non-Members \$1.25

First Meeting of
New Administration

The public says:

Thank you for keeping his memory alive. You who take part in this glorious enterprise do honor to a beloved American and win the respect and gratitude of your theatre patrons."



THE MOTION PICTURE INDUSTRY'S ANNUAL TRIBUTE TO WILL ROGERS

Starting Thursday, April 25th
Will Rogers National Theatre Week



1- GRATIS SHORT SUBJECT

All exhibitors taking audience collections will receive the All-Star Short Subject free of charge. Running time 11 minutes.

2- BOOKED EVERYWHERE

It is already booked day-and-date in every theatre operated by or affiliated with Paramount, 20th Century-Fox, RKO, Loew's, Warner Bros. and by thousands of public spirited independent exhibitors.

3- PROCEEDS TO CHARITY

For the benefit of the Will Rogers Memorial Hospital, Saranac Lake, N. Y., and for other hospital, charitable and educational purposes. And for the aid of local institutions specializing in the care of handicapped children. Note! The Will Rogers Memorial Hospital is open to anyone actively engaged in the motion picture industry afflicted with tuberculosis.



BETTE
DAVIS
(Warner's)



KAY
KYSER
(R. K. O.)



JUDY
GARLAND
(M-G-M)

THESE STARS APPEAR
IN THE SHORT SUBJECT
"IF I FORGET YOU"

(Theme Song "If I Forget You"
Lyrics and Music by Irving Caesar)

WILL ROGERS NATIONAL THEATRE WEEK

WEEK BEGINNING THURSDAY, APRIL 25th • MAJOR L. E. THOMPSON, Chairman

Order prints from the following Zone Chairmen of WILL ROGERS NATIONAL THEATRE WEEK... or from any branch manager or film salesman. Shipments made through National Screen Service.

Zone Chairman and Company	
ANY	Joe Miller, Columbia
ANTA	John Exell, Universal
TON	Morris Wolf, Metra
FALO	Sydney Samson, Fox
ARLOTTE	Robert J. Ingram, Columbia
CAGO	T. R. Gilliam, Warner Bros.
CINNATI	Edwin Booth, Metra
VELAND	Frank D. Drew, Metro
LAS	L. W. McClintack, Paramount
IVER	H. A. Friedel, Metro

Zone Chairman and Company	
DES MOINES	R. M. Capeland, Paramount
DETROIT	Lester Sturm, Fox
INDIANAPOLIS	George T. Landis, Fox
KANSAS CITY	William E. Truag, United Artists
LOS ANGELES	Clayton T. Lynch, Metro
MEMPHIS	James Rogers, Columbia
MILWAUKEE	Arthur N. Schmitz, RKO
MINNEAPOLIS	C. K. Olson, Warner Bros.
NEW HAVEN	Lou Wechsler, United Artists
NEW ORLEANS	E. B. Price, Paramount

Zone Chairman and Company	
NEW YORK CITY	Harry H. Buxbaum, Fox
OKLAHOMA CITY	Ralph B. Williams, RKO
OMAHA	Al Mendenhall, Paramount
PHILADELPHIA	F. L. McNamee, RKO
PITTSBURGH	Harry Seed, Warner Bros.
PORTLAND	Louis Amacher, Metro
ST. LOUIS	John E. Garrison, Universal
SALT LAKE CITY	Charles Walker, Fox
SAN FRANCISCO	Barney Rose, Universal
SEATTLE	Lawrence J. McGinley, Universal
WASHINGTON	Sam Wheeler, Fox

Networks Set To Cover Big Conventions

By EDWARD GREIF

Conventions of the Republican and Democratic parties next summer will be handled by the radio networks with the most extensive coverage ever given any series of meetings. Approximately 100 microphones will be installed by NBC, CBS and Mutual to pick up any phase of the activities or speeches and full staffs of commentators, engineers, news editors, special feature men, publicity aides and traffic managers will be on hand to direct the programs.

Each state chairman will have his own microphone for speeches from the floor, while other microphones will be stationed on the speaker's stand and other strategic points. The networks will each have a booth to house the engineers and commentators. Parabolic microphones will be installed to catch the crowd noises and cheering, while portable transmitters will be used for interviews from the floor of the convention.

Short Wave Planned

All regular program commitments will be sidetracked as soon as significant news develops. The Republican convention will begin June 24 in Philadelphia and the Democratic convention July 15 in Chicago. Both are expected to last from five to seven days.

Programs will be sent by short wave around the world. Special lines will be installed at the convention halls to permit reception from Europe, thus keeping the delegates apprised of last minute developments in the international situation.

Definite program hours for coverage have not yet been set but they will be released shortly. In any event, the coverage will be altered to suit developments on the political front.

A. A. Schechter, director of news and special events, and George McElrath, operations engineer, will be in charge for NBC. H. V. Kaltenborn and Earl Godwin will describe the meetings for NBC-Red, and Baukhage, Raymond Clapper and Lowell Thomas will cover for the Blue. Announcers assigned include George Hicks, Charles Lyons, Carleton Smith and Herluf Provenson. Women's activities will be covered by Ann Underwood.

White Musters Staff

For CBS, Paul W. White, director of public affairs, has mustered Elmer Davis, Bob Trout, Albert Warner, John Charles Daly and, possibly, Edwin C. Hill and Paul Sullivan, to analyze and describe the news.

Dave Driscoll, Mutual's newly appointed special features head, will be in charge of one of the biggest assignments as his first effort. Gabriel Heatter, Arthur Sears Henning, Fulton Lewis, Jr., Quin Ryan and Wythe Williams will handle the commentary. Also on hand will be J. R. Poppele, WOR chief engineer; Carl Meyers, WGN chief engineer; Arnold Nygren, WFIL, chief engineer; Andrew L. Poole, Mutual traffic manager; Adolph Opfinger, program service manager; Lester Gottlieb, publicity director, and Frank Schreiber, WGN publicity director.

RADIO BREVITIES

JIMMY FIDLER made the last of his Hollywood broadcasts for Procter & Gamble yesterday but he declared on the Coast that he has closed a deal with a new sponsor, with a new program set to start either Sept. 4 or 11. Fidler said that he was not at liberty to disclose the name of his new sponsor. He will confine his activities during the summer to his film column which is syndicated to 132 newspapers. Fidler, whose system of rating films with bells aroused considerable antagonism from theatre owners and film producers, was sponsored by P. & G. for three years.

Personalities in the News

Ben Gross, radio columnist of the *Daily News*, has completed an audition of a new program. "Not of Broadway," for which WMCA is seeking a sponsor. . . . Raymond Paige, conductor on "Musical Americana," will be guest of Nellie Revell on "Meet the Artist" over NBC-Blue this Friday at noon. . . . Michel Ewelant, who conducted "Sciaciro Recitals" over NBC for 40 weeks, is auditioning instrumentalists for a new musical program. . . .

Russ Johns, WNYC staff announcer for three years, has joined the radio staff at the New York World's Fair. . . . Because his character "Cecil Simpson" proved successful on the Tommy Riggs' show, Charles Kemper is changing his name to Cecil Simpson. . . . Harvey D. Gibson and Jack Benny will be heard on Bob Ripley's "Believe It or Not" over CBS on Friday May 3. . . . Kermit J. Moss, formerly with Cecil, Warwick & Legler and more recently with Henry Souvaine, has joined the WNEW sales staff. . . .

"School of Air" in Hawaii

A total of 60,000 school children in Hawaii now listen to Columbia's "School of the Air" regularly, Webley Edwards, manager of KGMB, Honolulu, has reported to Sterling Fischer, CBS director of education. This constitutes more than half of Hawaii's 105,000 school children, Edwards said. "School of the Air" has been available in Hawaii for only one year.

Danzig Heads WOR Publicity

Jerry Danzig, WOR commercial program manager, has been appointed to the station's publicity post which will be vacated May 1 by G. W. Johnstone, it was disclosed yesterday by Alfred J. McCosker, president. Dave Driscoll had previously been appointed to take over Johnstone's special features duties. Danzig joined the station four years ago as a special features man, later being transferred to the program department.

Boosts Fair Coverage

WNYC, which led with coverage of the New York World's Fair last year with over 800 broadcasts, plans a greater number this year, Morris S. Novik, director, said yesterday. WNYC will have permanent lines to the Court of Peace, Temple of Religion, the WPA Music Shell and Auditorium, and to the new bandstand. Music and special events will be

Papers, Radio Aid Each Other: Hearst

In a unique radio interview aired by WMCA yesterday, William Randolph Hearst answered the question, "Do you think radio and newspapers should be tied together?"

"I think they can be very advantageously coupled," said the publisher. "But they are not necessary each one to the other for success. I think whether they are united or not, newspapers are a help to the radio and the radio is a help to the newspapers. Radio news announcements give the headlines of the story merely. Newspaper accounts give the full story. Radio advertising is valuable. Newspaper advertising is, I think, more valuable. . . . I think radios do a great deal to spread enjoyment and happiness in the world."

The interview, conducted at Hearst's estate at San Simeon, Calif., was transcribed and presented last night as part of WMCA's "Radio Newsreel."

covered fully and two of last year's regular features, "The World's Fair Reporter" and "Today's Home Town News" will be repeated. In addition there will be "Pleased to Meet You," an interview series; "Song of the 7,000,000," weekly concerts; "In Old New York," dramatizations of municipal history; and "Father Knickerbocker Suggests," a daily program listing free sights and inexpensive trips.

Program Notes

An additional 15 stations have been added for Eleanor Roosevelt's program over NBC which starts Tuesday. The total is now 46. . . . Lewis Howe, Inc. yesterday signed a 52-week contract to sponsor the "Breakfast Club" over WJZ Mondays through Fridays 9:30-9:45 A.M. and 9-9:15 A.M., on Saturdays for Tums. . . . "Invitation to Learning" will replace "Pursuit of Happiness" over CBS on Sunday, May 12. "Pursuit of Happiness" was originally scheduled for 10 weeks but its unusual success stretched the run to 29. . . . Arturo Toscanini will conclude his season as conductor of the NBC Symphony Orchestra this Saturday.

Harlem Turns Out At 'Benny' Opening

Harlem turned out last night for the world premiere of "Buck Benny Rides Again," starring Jack Benny and featuring Eddie (Rochester) Anderson, in whose honor the premiere was held at Loew's Victoria on 125th St.

A reception for Anderson at the Savoy Ballroom followed the premiere. WHN broadcast the proceedings at the theatre. The film will open for its regular run at the Broadway Paramount today.

Television Lighting Quality Is Stressed At S.M.P.E. Meeting

(Continued from page 1)

Pickup of the Pasadena Rose Tournament Parade," by H. R. Lubcke; Don Lee Broadcasting System "RCA Portable Television Pickup Equipment," by G. L. Beers, RCA Manufacturing, O. H. Shade, RCA Radiotron Corp., and R. E. Shelby; NBC; "Quality in Television Pictures," by P. C. Goldmark and J. N. Dyer, CBS; and "A New Method of Synchronization for Television Systems," by T. T. Goldsmith, J. M. Campbell and S. W. Stanton, DuMont Laboratories.

Today's general and 16mm. session included the following papers: "Photographic Tone Reproduction," by L. A. Jones, Eastman Kodak; "Direct 16mm. Production," by L. Thompson; "Commercial Motion Picture Production with 16mm. Equipment," by J. A. Maurer; "Professional 16mm. Recording Equipment," by L. R. Canady; "Sixteen Millimeter Equipment and Practice in Commercial Film Production," by J. E. Clemenger and F. C. Wood; "High-Intensity Carbon Arc for Projection of 16mm. Film," by D. E. Joy and W. W. Lozier.

Paramount Reports 'Eater' Gross High

Paramount yesterday reported that "The Biscuit Eater" is doing excellent business in 20 pre-release engagements throughout Georgia, where the film opened last week at Albany. Business was reported by Paramount a 50 to 80 per cent better than several leading Paramount films in the same situations. The film will be released nationally May 24.

The following figures are reported by the home office as indicative of the box-office strength of the film:

Americus, \$345 first day, 50 per cent more than "Beau Geste" did in two days, and double "Honeymoon in Bali"; Bainbridge, \$320, two days three times "Cat and Canary," "Beau Geste" and "Honeymoon in Bali"; Baxly, \$159 opening day, twice "Beau Geste" and "Honeymoon in Bali" in two days.

Council Deferring Television Report

HOLLYWOOD, April 23.—The annual report on the progress of television and its relationship to films by the Research Council of the Academy of Motion Picture Arts and Sciences will be deferred indefinitely, it was reported here today. Action of the Federal Communications Commission, holding up limited commercialization of television was said to be the reason for delaying the report.

It is expected that the Council will make its report public after the F.C.C. decides the commercialization issue and settles the charges of monopoly in the television field.

Italian Film Dated

"Piccoli Avventurieri," Italian film distributed by Esperia, will have its premiere at the Fine Arts tomorrow following the four-week run of "The Life of Giuseppe Verdi."

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

MOTION PICTURE DAILY

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

OL. 47. NO. 82

NEW YORK, U. S. A., THURSDAY, APRIL 25, 1940

TEN CENTS

Independents Called Worse Than Majors

Competition Is Sharper, Exhibitor Says

James C. Forgione, an independent exhibitor in Metuchen, N. J., told defense attorneys yesterday in the course of a pre-trial examination as a witness in the Government's anti-trust suit that he found independent theatre circuit owners worse competition than affiliated circuits.

He made this statement when attorneys for the majors adopted a line of questioning presumably intended to show that theatre divorcement was no solution to the problems of small independents.

Forgione also revealed that his only conference with Government field men was held in the New York City headquarters of Allied Theatre Owners of New Jersey. His meeting with a Government agent was arranged by Allied after the organization had canvassed him, among other members, by letter, Forgione said.

Walter Reade, who operates several theatres in Plainfield, was named by

(Continued on page 7)

Hollywood Extras Oppose Autonomy

HOLLYWOOD, April 24. — Screen Actors Guild governing body for extras is on record today as opposing the autonomy plan for its group which has been recommended by the guild's board. The extras' council requested that the guild reopen negotiations with the producers for a new code and wage scales for extras. Negotiations on a requested increase of 15 per cent for extras were halted recently when minority groups demanded autonomy.

On and On and On

During James C. Forgione's examination yesterday as a Government anti-trust witness, he was asked to give the population of towns near his theatre. Forgione said he was not certain of the figures since he had not read the latest census report. "Oh, that won't be complete until 1945," one of the attorneys replied.

"That's all right, this case will still be on then," rejoined William P. Farnsworth, U. S. attorney.

A. T. O. of Indiana Against Suit Pact

Indianapolis, April 24.—Associated Theatre Owners of Indiana, an Allied affiliate, made public today its opposition to the proposed consent decree of the Department of Commerce as a possible basis of settling the Government anti-trust suit and offsetting Congressional action on the Neely bill.

"The Association seriously objects to the proposed system of selling," says a statement by Don R. Rossiter, executive secretary, "although it is in favor of some sort of arbitration, but not that as outlined in the Department of Commerce proposals."

Selznick Studying Reorganizing Plan

Several plans of reorganization for Selznick-International are under consideration here with the aim of simplifying the company's corporate setup to eliminate unnecessarily heavy taxes, it was learned yesterday.

David O. Selznick, president; John Hay Whitney, chairman of the board; Daniel O'Shea, vice-president, and attorneys for the company are studying a number of proposals and there is little likelihood of a decision on any plan for another week or two, company officials said yesterday.

Reports that the company would be liquidated and a new Selznick producing company organized along much more simplified lines than the present one were described as "premature." Also, a report that Whitney would not be associated with the new company found no verification.

It is believed that unusually heavy receipts from "Gone With the Wind" and "Rebecca," coming into Selznick International simultaneously, gave rise to serious tax problems under the company's present corporate setup, necessitating the consideration of simplification plans. No official comment on this could be obtained, however.

Taxi Strike Hits Broadway Section

Legitimate theatres were affected more than film houses last night as 6,000 taxi drivers—one-third of the city's 18,000—struck for better wages and working conditions. There were noticeably fewer taxis in the Broadway section. The strike is aimed at the Parmelee and Terminal systems, largest of the city's fleets. Contracts with the Transport Workers' Union, C.I.O., do not expire until next Tuesday.

All Film Revenues From Scandinavia Are Now Shut Off

All revenue from the Scandinavian countries has been shut off as a result of the ban on remittances from Sweden, home office foreign departments were advised officially yesterday.

No remittances had been received from Norway and Denmark since the invasion of those countries but some remittances were received from Sweden as recently as 10 days ago. The Swedish embargo on currency exports was pronounced last week but home offices had some hope that representations on behalf of films might bring about a ruling making them an exception. While there appears to be no likelihood of this for the present, film representatives still are actively negotiating.

Meanwhile, no shipments of new films can be made to the Scandinavian markets and, until the remittance ban is modified, it is doubtful whether distributors would send new films into those countries in any event. Film offices are still functioning there, however, and most companies have a good supply of prints on hand in Sweden, Norway and Denmark.

Sargoy in Hess Post At Copyright Bureau

Edward A. Sargoy, of counsel for the Copyright Protection Bureau for the past 10 years, was designated yesterday to take over the legal duties formerly handled for the Bureau by the late Gabriel L. Hess, who was general attorney for the M.P.P.D.A.

Joseph L. Stein, assistant to Sargoy, will continue as associate counsel for the Bureau.

No successor to Hess as M.P.P.D.A. general attorney has been named. His duties are meanwhile being handled by Sidney Schreiber and Mrs. T. E. Drazin, assistants to Hess for many years.

Skouras Appoints N. Y. Fund Chairmen

Sub-divisions of the Entertainment Section of the Greater New York Fund were named at a luncheon at the Plaza yesterday, given by Spyros Skouras, operating head of National Theatres, and chairman of the section.

Designated sub-division chairmen follow: William McBride, theatre ticket agencies; William Morris, with committee men, Phil Blum and Nat Kalcheim, bands and orchestras; Francis Coppeus and Fred Shang.

(Continued on page 7)

Block Booking Bill Hearings Off to May 13

Postponed from May 7 By House Committee

WASHINGTON, April 24.—Hearings on the Neely block booking bill were fixed today by the House Interstate and Foreign Commerce Committee for May 13.

The committee earlier this week had set the hearings tentatively for May 7, but it was found that other matters would require attention. The opening of the film sessions was therefore postponed a week to the following Monday.

Chairman Clarence F. Lea of California, announcing the new date, said that it was a "firm" date.

The postponement of the hearings, however, brings the block booking sessions before the House committee more closely in conflict than before with the scheduled Senate subcommittee hearings on the Neely affiliated theatre divorce bill. Hearings on the latter measure are scheduled to start May 16. It is apparent that unless the block booking bill hearings are postponed also, the two sessions will run simultaneously for several weeks and may result in inconvenience and confusion to witnesses and committee members.

It is a virtual certainty that the principal witnesses for both sides will be the same for both the block booking and theatre divorce bill hearings. Thus some confusion may result if the hearings run simultaneously.

Foresee Monetary British Quota Basis

LONDON, April 24.—Officials of the Kinematograph Renters Society, have expressed the belief that a monetary basis will be instituted for the British quota, as sought by American interests. The quota, changes in which are now under consideration by the Government, at present is based on film footage.

It is also authoritatively understood in film circles here that the Film Credit Bank, proposed to provide financing for British production, will be made effective in the near future, with the Government guaranteeing its activity. This is expected to be the subject of the talks which Sir Andrew Duncan, president of the Board of Trade, plans with various branches of the industry.

It is expected that the Government

(Continued on page 7)

◀ Purely Personal ▶

ALEXANDER KORDA has postponed his departure from the Coast for a week. He is expected here in time to leave for Europe by *Clipper* on May 4.

JOSEPH BERNHARD, MAJOR EDWARD BOWES, JOHN GOLDEN, LEE SHUBERT, HARRY OSHRIN, BEN BOYAR, GUY BOLTON, DOUGLAS MACLEAN and PHIL BAKER at Sardi's for lunch yesterday.

HERMAN ROBBINS, CHARLES E. MCCARTHY, SIDNEY PHILLIPS, EDWARD M. SAUNDERS, TED O'SHEA and ERNO RAPEE lunching at Nick's Hunting Room in the Astor yesterday.

JOSEPH MOSKOWITZ, HARRY GOETZ, ARTHUR A. LEE, BUDD ROGERS, JOSEPH SEIDELMAN, JOSEPH MALCOLM and JACK MILLS lunching at Bob Goldstein's Tavern yesterday.

MAURICE SILVERSTONE, ARTHUR KELLY, HARRY GOLD, ARTHUR SILVERSTONE, JAMES MULVEY, B. S. MOSS and EDDIE CANTOR at Lindy's for lunch yesterday.

WOODROW CAMPBELL, assistant contact manager for Warners in Albany, has left St. Peter's Hospital after treatment for a stomach ailment.

J. I. FOY, general manager of Sovereign Films, Toronto, is touring the company's branches in Western Canada.

W. H. BANFORD, M-G-M branch manager in Chicago, is back from a three-week vacation trip to Hollywood.

SAM ULSTER, operator of the Embassy in Toronto, will return from a Florida vacation May 5.

TRULY WILDMAN, M-G-M salesman in Kansas City, celebrates a birthday tomorrow.

AL MARGOLIES, United Artists publicity manager, will leave for Chicago today on business.

CAMILLE ALLI, assistant booker for Columbia in Albany, is in the hospital for observation.

ABE MONTAGUE and RUBE JACKTER of Columbia arrived from Atlanta yesterday.

CHARLES BOYER will return to the Coast next week following a brief visit here.

Johnston Funeral Held

WATERLOO, Ia., April 24.—Funeral services were held here today for J. B. Johnston, father of W. Ray Johnston, Monogram president. The elder Johnston died Monday during the Monogram sales convention at Dallas. Johnston will go directly to the Hollywood studio from here.

Date Republican Film

The national premiere of "A New Tomorrow," Republican film for the Presidential campaign, will be held May 1 at a town meeting in Islip, Long Island.

'Sea Hawk' to Get Plugs Via Cruise

HOLLYWOOD, April 24.—One of the longest exploitation trips in film history is planned by Warners for "The Sea Hawk." The boat of the same name will sail from Los Angeles harbor through the Panama Canal to New York for the premiere, leaving June 15 and arriving in New York about Aug. 15. About 50 Hollywood newspapermen will make the trip from Los Angeles to San Diego and return by train. Errol Flynn, featured in the film, will fly to Miami to join the cruise and take command until the boat reaches New York. There will be stopovers en route.

FitzPatrick to Make Feature in Hawaii

JAMES A. FITZPATRICK, producer of the Traveltalk shorts for M-G-M, will expand his activities the latter part of next month when production will start on his first feature.

To be made in Hawaii, the picture will have for its theme Captain Cook's discovery of the island. The cast will consist mainly of natives. Hugo Butler is currently writing the script, which is as yet untitled. Fitzpatrick plans one feature a year, with release by M-G-M.

FitzPatrick, now in New York, leaves for the Coast tomorrow, and thence to Hawaii. While here he renewed his contract with M-G-M for 12 shorts a year for the next five years. FitzPatrick is currently concentrating his shorts on the American scene.

Marx Brothers Set Appearance Tour

HOLLYWOOD, April 24.—The Marx Brothers plan a series of personal appearances, starting at Joliet, Ill., April 29, to try out comedy material to be used in their next M-G-M picture, "Go West."

With a troupe of 30, the schedule calls for two days in Joliet, followed by the Paramount, Toledo, May 1; the Michigan, Detroit, May 3, for one week; and the Chicago in Chicago, one week starting May 10.

Opposes Bank Claim

Claim of the National Rockland Bank of Boston and Harold G. Storke against Paramount Publix Corp. for \$667,287 was recommended expunged yesterday in a report of Referee John E. Joyce filed in the U. S. District Court. The bank and Storke had filed a claim as trustees on a bond issue assumed by Paramount and later taken over by Olympia Theatres. The claim was discharged by Olympia during receivership proceedings of that company, the Referee's report stated.

'Mayerling' Withdrawn

"Mayerling," French film distributed by Pax Film, has been withdrawn from circulation here to allow for revision of the rental charges. The film will be reissued in six to eight months, according to I. E. Lopert, president of Pax.

FP Canadian Sets 2 Regional Meetings

TORONTO, April 24.—Arrangements have been made by Famous Players Canadian Corp. for two conventions of its theatre managers this year, in place of the one national conference, which was held last July in Ontario with many important personages of the industry in the United States as guests of honor. The first of the regional conventions will be held at Jasper in Western Canada for the three days commencing July 30, the organizers of which will be the Western district managers, L. I. Bearg and E. A. Zorn.

The conference of Eastern managers will be held in the Toronto district for three days, the tentative opening date being Aug. 12. Home office officials, headed by President N. L. Nathanson and Vice-President J. J. Fitzgibbons, will attend both conferences to outline plans and policies for the next 12 months. Eastern district managers who will supervise arrangements include Jack Arthur and M. Stein of Toronto and R. S. Roddick and L. Graburn for the Maritimes.

Arbitrate Booking Fee, AGVA Asks

With agreement reached on every major point except the five per cent booking fee charged by vaudeville circuits, the American Guild of Variety Artists has proposed to the major theatre circuits with whom they are negotiating that the booking fee be submitted to arbitration. Consent to this proposal, however, has not been forthcoming, and negotiations are continuing.

A.G.V.A. yesterday agreed in principle with Billy Rose on wage scales and recognition for the Aquacade and the Barbary Coast restaurant at the New York World's Fair and the Aquacade at the San Francisco World's Fair. The agreement calls for \$45 weekly minimums for 28 performances. Last year the minimums were \$35 weekly.

Fight Suit Dismissal

Norman Wolf and Mannes Fuld, minority stockholders of Loew's, Inc., yesterday filed a notice of appeal from a dismissal by N. Y. Supreme Court Justice Louis A. Valente of their suit against Loew's, A. T. & T., Western Electric, Chase National Bank and others. Suit seeks recovery of approximately \$5,000,000 allegedly lost through excessive rates for licensing of sound equipment.

Seeks Compensation

Suit for \$35,000 as compensation for alleged services in underwriting the preferred stock of Walt Disney Productions has been filed in the U. S. District Court by Michael Myerberg against Kidder, Peabody Co. Plaintiff claims that he performed services between March, 1939, and March, 1940, which aided the defendant in obtaining the underwriting agreement.

U.A. Board Meets Today

Meeting of the board of United Artists which had been scheduled for yesterday was postponed until today due to the absence of Mary Pickford, who was delayed en route here from the Coast.

To Meet Soon on New Producer Unit

HOLLYWOOD, April 24.—A second session within two weeks is planned for further discussion of the projected association of independent producers releasing through major distributors. Representatives of the various producers involved are meanwhile conferring with their chiefs, following a meeting early this week.

The organization, sponsored by David O. Selznick and Frank Capra, is described as "in the idea stage so far," but "favorably received" by the 11 producers concerned. Relative to possible resignation of some of the producers from the Motion Picture Producers Association, of which they also are members, William Holman, manager of Frank Capra Productions, said, "Of course they could make their choice."

The action of the sound men's union in requiring independents to pay a higher rate than major producing companies, considered a break away from the long-standing "gentlemen's agreement," is seen as an incentive for independent producers to present a united front for bargaining purposes. The possibility is seen that other unions might follow the lead of the sound technicians.

Randforce, Brandt Book 'Wind' Here

"Gone With the Wind" has been booked by the Randforce Circuit for a number of houses in the Metropolitan area, and additional dates have been set for the picture by the Brandt Circuit and other independent houses.

Randforce bookings include the Lido, May 2-6; Glenwood, May 13-19; Biltmore, May 13-16; Claridge, May 6-10; Cross Bay, May 6-10, and Carlton, May 2-6. New Brandt dates include the Colony, Jackson Heights, and Flatbush, Brooklyn, May 2-8; Moshulu, Bronx, April 25 to May 1, and Terrace, Manhattan, May 3-6.

Numerous dates have been set by Casey & Wheeler Circuit, Westchester, and Interboro Circuit, Long Island.

W. B. Meeting Ends

A dinner at the Astor Hotel last night concluded the one-day meeting here yesterday of Warner Theatre zone managers. Joseph Bernhard, general manager of theatres, presided at the session.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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PROUD PAPA!



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(Miles ahead of anything he's done!)
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in
"SATURDAY'S CHILDREN"
with
CLAUDE RAINS
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Screen Play by Julius J. and Philip G. Epstein
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starring
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"EDISON, THE MAN"
starring
SPENCER TRACY

"WATERLOO BRIDGE"
starring
VIVIEN LEIGH
ROBERT TAYLOR

"SUSAN AND GOD"
starring
JOAN CRAWFORD
FREDRIC MARCH

A MONTH FULL OF STARS!
May-dates become M-G-M Play-dates!

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action



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	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Mar. 29		Florian (G-D) Robert Young	Son of the Navy (G-C) Jean Parker James Dunn	Farmer's Daughter (C) Raye-Ruggles	Ghost Valley Raider (G-O) Donald Barry		Free, Blonde and 21 (A-D) Bart-Davis	Over the Moon (D) Merle Oberon		
Apr. 5	Blazing Six Shooters (O) Starrett	And One Was Beautiful (G-D) Muir-Cummings	Covered Wagon Trails (O) Sky Bandits (D)	Adventure in Diamonds (D) Brent-Miranda	High-Yo Silver (G-O) Young Buffalo Bill (O)	Courageous Dr. Christian (G-D) Jean Hersholt	Stardust (G-D) John Payne	One Million B. C. (G-D) Lon Chaney, Jr.	Half a Sinner (D) Heather Angel	It All Came True (G-D) Sheridan-Lynn
Apr. 12	Man With Nine Lives (D) Boris Karloff	Dr. Kildare's Strange Case (D) Lew Ayres L. Barrymore		Dr. Cyclops (G-D) Albert Dekker Janice Logan			Viva Cisco Kid (G-O) Romero	Rebecca (A-D) Olivier Joan Fontaine	Black Friday (G-D) House of Seven Gables (D)	Gambling on the High Sea (D) Wayne Morris
Apr. 19	I Married Adventure (D) Osa Johnson	Two Girls on Broadway (C) Turner-Blondell	Tomboy (D) Jackie Moran Pals of the Silver Sage (O)	Light of the Western Stars (O) Victor Jory Jo Ann Sayers	Dark Command (D) In Old Missouri (M)	Abe Lincoln in Illinois (G-D) R. Massey Ruth Gordon	Johnny Apollo (G-D) Tyrone Power	Enemy Agent (G-D) Cromwell-Vinson		'Till We Meet Again (G-D) Oberon-Brent
Apr. 26	Doctor Takes a Wife Ray Milland	Forty Little Mothers (A-C) Eddie Cantor	Mysterious Mr. Reader (D) Will Fyffe Kay Walsh	French Without Tears (A-C) Drew-Millard	Covered Wagon Days (O) Grandpa Goes to Town (C)	Curtain Call (G-D) Helen Vinson	Shooting High (G-O) Gene Autry			An Angel from Texas (C) Albert-R. Lane
May 3	Block "K" Rides Tonight (O) Bill Elliott	20 Mule Team (D) W. Beery Leo Carrillo	Land of the Six Gun (O) Jack Randall	Buck Benny Rides Again (C) Jack Benny	Crooked Road (D) Edmund Lowe Irene Hervey	Irene (D) Anna Neagle Ray Milland	So This Is London (C) George Sanders	Saps at Sea (C) Laurel-Hardy	If I Had My Way (M) Bing Crosby	Tear Gas Squad (D) John Payne Dennis Morgan
May 10		Edison, the Man (D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (C) Charlie Ruggles Janice Logan	Gaucha Serenade (O) Gene Autry Smiley Burnett	Beyond Tomorrow (G-D) Binnie Barnes	I Was An Ad- venturess (D) Zorina-Greene	Ski Patrol (D) Lulu Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley	Flight Angels (D) V. Bruce R. Bellamy
May 17	Isle of Doomed Men (D) Peter Lorre	Waterloo Bridge (D) Robert Taylor Vivien Leigh	Kid From Santa Fe (O) Jack Randall	Typhoon (D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (D) Carole Landis Adolph Menjou	Alias the Deacon (C) Bob Burns Mischa Auer	Torrid Zone (D) Cagney-O'Brien Ann Sheridan
May 24	Lone Wolf Meets a Lady (D) W. William Jean Muir		Amateur Detective (D) Frankie Darro	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (C) Lucille Ball J. Ellison	Lillian Russell (M) Don Ameche Alice Faye	Our Town (D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Murder in the Air (D) Ronald Reagan John Littel
May 31	5 Little Peppers at School (D) Edith Fellows	Susan and God (D) Fredric March Joan Crateford	Queen of the Yukon (O)	Way of All Flesh (D) Tamiroff Gladys George		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Marriage In Transit (C) Robt. Sterling Joan Davis	La Conga Nights (M) Bad Man From Red Butte (O)	Brother Orchid (D) Ed. G. Robinson Bogart-Sothorn	Fugitive from Justice (D) Roger Pryor Lucile Fatichauke
June 7	Texas Stagecoach (O) C. Starrett Iris Meredith			Hidden Gold (O) William Boyd Russell Hayden		Saint Takes Over (D) Prairie Law (O) George O'Brien	Earthbound (D) Warner Baxter Andrea Leeds	No Exit (D) Wallace Ford Kathryn Adams		Sandy Is a Lady (D) Baby Sandy Nan Gray
June 14				Safari (D) Fairbanks, Jr. M. Carroll		Tom Brown's School Days (D) F. Bartholomew Sue C. Hardwick	Four Sons (D) Don Ameche Alan Curtis			

'Cargo' Pulls \$42,000 at 2 Boston Spots

Boston, April 24.—Loews' Orpheum and State took in a total of \$42,000 with "Strange Cargo" and "And One Was Beautiful." Keith Memorial with "It's A Date" grossed \$23,500. Estimated takings for the week ending April 17:

"Come by Night" (20th-Fox)
"Murder on the Yukon" (Mono.) 4 days
"His Girl Friday" (Col.)
"Convicted Woman" (Col.) 3 days
KEITH BOSTON — (3,200) (25c-30c-40c).
Gross: \$8,500. (Average, \$8,000)
"It's a Date" (Univ.)
"Viva Cisco Kid" (20th-Fox)
KEITH MEMORIAL — (2,907) (25c-35c-40c-55c) 7 days. Gross: \$23,500. (Average, \$16,000)
"The Blue Bird" (20th-Fox)
"Charlie Chan in Panama" (20th-Fox)
PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: \$6,500. (Average, \$7,500)
"The Blue Bird" (20th-Fox)
"Charlie Chan in Panama" (20th-Fox)
FENWAY — (1,332) (25c-35c-40c-55c) 7 days. Gross: \$4,500. (Average, \$4,500)
"It All Came True" (W. B.)
"Adventure in Diamonds" (Para.)
METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: \$14,000. (Average, \$15,500)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: \$4,800. (Average, \$4,000)
"Strange Cargo" (M-G-M)
"And One Was Beautiful" (M-G-M)
LOEW'S STATE — (3,000) (25c-35c-40c-55c) 7 days. Gross: \$18,000. (Average, \$12,000)
"Strange Cargo" (M-G-M)
"And One Was Beautiful" (M-G-M)
LOEW'S ORPHEUM — (2,900) (25c-35c-40c-55c) 7 days. Gross: \$24,000. (Average, \$17,000)

Mississippi Games Levy Is Defeated

JACKSON, Miss., April 24.—Mississippi's House of Representatives for the second time has turned down the Stansel bill proposing a steep "special privilege" taxation on giveaways by motion picture houses of the state. Reconsidered this week through amendment fixing the levy at from \$50 to \$200 per day, on the days of the prize awarding, depending upon population of the community, the House voted 55 to 43 in favor of the measure but 59 votes were needed for its passage.

Skouras Appoints N. Y. Fund Chairmen

(Continued from page 1)
concert artists; Col. John R. Kilpatrick, with Benny Friedman and Dan Michalove, sports; Marcus Heiman, with John Shubert and James Reilly, legitimate theatres.

Lowell Thomas, James J. Walker and Winthrop Rockefeller spoke. Others present were Aubrey Schenck, Jack Partington and Arch Mandel, assistant director of the Fund.

Neufeld Boosts Program

HOLLYWOOD, April 24.—Harry Rathner, president of Producers Releasing Corp., today announced that the production schedule of Sigmund Neufeld Productions, whose product he distributes, has been increased from 15 to 36 films for next season. Eighteen will be westerns, six starring Tim McCoy and six Bob Steele, with the others to feature an unidentified radio-screen singer.

Triples Hit Seattle

Seattle, April 24. — This city's first triple-feature programs are now being offered at Joe Danz's Embassy Theatre, second and third-run downtown house. Three full length features, plus news-reels, are being offered at an admission of 10 cents until 1 P. M. and 15 cents thereafter.

Technicolor Annual Meeting on May 20

Notices will be sent today for the annual stockholders' meeting of Technicolor, Inc., on May 20 at the company offices here. Principal business of the meeting will be the election of directors for the coming year.

A board meeting will be held on May 10 at which time it is expected action on a dividend will be taken. Dr. Herbert T. Kalmus, president, is expected to come East during the first week in May.

Jury Disagrees in Buffalo Bingo Case

BUFFALO, April 24.—The status of Bingo as played in theatres here is still undecided, as the result of a failure of a jury to agree in the case against Old Vienna, Inc.

The company, operating the old Gayety Theatre, was accused of violating the lottery law in connection with the operation of Bingo in conjunction with films. The district attorney has not yet decided whether or not he will seek a new trial.

'U' Managers Switched

DES MOINES, April 24.—J. J. Spandau, manager of the Universal exchange for the past four years, has left for Albany, N. Y., to manage the exchange there. Lou Levy, formerly manager of the Grand National exchange here and recently Universal salesman, replaces Spandau. Joseph Engel, now Albany manager, will go to Cleveland as special representative.

Seven Stage Plays Now Are Current in the Loop

By WILLIAM F. CROUCH

CHICAGO, April 24.—Seven legitimate stage attractions are current in the Loop, the largest number in many years. Business in most of the theatres is excellent. Laurence Olivier and Vivien Leigh are in "Romeo and Juliet" at the Auditorium; Tallulah Bankhead in "The Little Foxes" at the Selywyn; Clifton Webb in "The Man Who Came To Dinner" at the Harris; Carmen Miranda in "Streets of Paris" at the Grand; Katharine Hepburn in "Philadelphia Story" at the Erlanger; "Life With Father" starring Lillian Gish at the Blackstone, and an all-negro musical, "Tropical Pinafore" is at the Great Northern.

Coming stage shows at the Chicago Theatre include the Marx Bros., Bob Hope and company, Hal Kemp and orchestra and other big name attractions and bands. The B. & K. State-Lake has Arturo Godoy booked for

Foresee Monetary British Quota Basis

(Continued from page 1)

will disclose its final decision on the quota situation to the proposed meeting shortly of the Films Council, rather than during the discussions scheduled by Duncan. The fact that American interests have not been invited to participate in the industry talks with Duncan, is believed to substantiate the report that the Credit Bank will be the subject of the talks, since the bank is outside the scope of film legislation.

Ask Control Body On British Money

LONDON, April 24.—The Board of Trade today requested British distributors handling such product as Universal, Republic and Monogram to form their own control body to administer the currency agreement in effect between the Government and American film companies.

The principal objective of the move is to provide the Board of Trade and its film currency control board with a check on remittances to American companies which do not maintain their own distribution organizations here. It is believed probable that the Kinematograph Renters Society will function for the distributors to whom the Government's request applies.

The same currency regulations agreed upon with the other American distributors apply to British distributors handling American product. Half of their three-year average revenue must remain frozen here and the new control body is asked to supervise the disposition of the funds involved on that basis.

Handles British Film

RKO foreign department has closed a deal to distribute in all British territories outside the United Kingdom and Canada the British documentary feature, "A Family of Nations."

Independents Called Worse Than Majors

(Continued from page 1)

Forgione as the primary cause for his clearance problems. Forgione declared that he had no substantial objection to affiliated theatres in the area obtaining clearance over his Forum Theatre in Metuchen, but that since 1933 Reade also had obtained protection.

In describing his difficulties, Forgione asserted that "cooperation of a distributor with one independent against another is wrong." The witness also complained about block booking, stating that small town exhibitors would like to play product of all the major companies but could not under the present system.

Bought Part of Programs

Under questioning, Forgione conceded that RKO, Universal and Columbia "knew" of his situation and had allowed him to purchase a number of pictures without contracting for all of these companies' films.

The witness stated that affiliated theatres in New Brunswick and Perth Amboy were "entitled" to protection over Metuchen in view of the size of these towns and the transit facilities from Metuchen. He appeared surprised when defense attorneys told him that the Government had not detailed his objection to Reade's protection over his theatre as his major complaint.

Forgione said that before 1933 he played films 14 days after affiliated theatres in New Brunswick and Perth Amboy, both about six miles from Metuchen. Reade's Plainfield theatre then obtained seven days additional clearance. Plainfield, he said, is beyond the county line, eight miles from Metuchen, with poor transit facilities between the two towns. He declared the Plainfield protection was unnecessary and unwarranted.

A. Bannon Is Next

A considerable part of the examination was taken up with a description of Forgione's contracts with major companies in the past ten years. A. Bannon, a Newark exhibitor, will be questioned by defense attorneys tomorrow.

Among attorneys present were William P. Farnsworth, head of the local anti-trust department for the Government; Granville Whittlesey and William Zimmerman for RKO, and Louis Phillips for Paramount.

Writers Discuss Scales

HOLLYWOOD, April 24. — Screen Writers Guild leaders met tonight to discuss proposals for minimum wage scales for writers in the bargaining agreement negotiations which will be reopened next month. The meeting was to get a consensus on whether a minimum salary should be set for free lance writers or whether that should be left to individual bargaining.

Arthur Leaves Paramount

HOLLYWOOD, April 24.—George Arthur, for the last four years a Paramount producer, today resigned, effective about May 31 when his two productions, "A Date With Destiny" and "I Want a Divorce," will be completed.

next week and Harry Barris and Loyce Whiteman set for late in May.

Irving Franklin, who formerly handled Amkino pictures, will open an exchange here shortly and distribute Russian, French and Jewish pictures under the name of Continental Pictures.

J. Oren Weaver, chief of news and special events for WBBM-CBS, Chicago, has made a tieup with Sylvan Goldfinger, manager of the Telenews Theatre, to display news bulletins every three hours at the theatre. Two bulletin boards are used for the display of the bulletins.

The injunction permitting the showing of "Birth of a Nation" continues in force as Judge Donald McKinley of Superior Court this week continued the hearing on the matter until May 9. The Civil Liberties League then will join other groups in the fight to halt a ban on the picture by local censors.

Radio Brevities

BBROADCAST MUSIC, INC., yesterday released a second group of songs. Seven numbers were included bringing the total released to 13. BMI is now including a promotion piece with sheet music sold, in which it is pointed out that the new company is opening up the music field to hitherto unrecognized American artists.

Personalities in the News

Additional shifts in the WOR personnel include Mitchell Benson, assistant program director, who becomes commercial program manager, and John S. Hayes, production manager, who takes over Benson's former post. Dick Dorrance, of the station's publicity staff, will leave shortly to become publicity director for F-M Broadcasters, Inc. . . . H. V. Kaltenborn has changed his sailing date to Europe to May 4 on the *Washington*. Harry Carey will be guest on "Information, Please" over NBC-Blue next Tuesday at 8:30 P. M. . . .

To Interview Reporters

WMCA will turn the tables on newspapermen tomorrow night with radio interviews of reporters at the annual American Newspaper Guild ball. The program will be aired at 11:45 P. M.

Electronic Microscope

Television research has produced an important by-product, one which may revolutionize medical and biological science. It is an electronic microscope which was exhibited last week by RCA Manufacturing before members of the American Philosophical Society. Using the same basic principles of electronic television, Dr. Vladimir K. Zworykin and Dr. Ladislaus Marton developed the new microscope. It has an intensity of magnification up to 100,000 diameters!

Program Notes

New York Philharmonic Symphony Orchestra ends its 10th season over CBS on May 5. . . . To take advantage of the weekend business, Fidelio Brewery has purchased the 11 A. M. news period over WOR for Thursday, Friday and Saturday. The contract is for one year. . . . Midget automobile racing will be advertised by the Auto Racing Review over WHN in a 15-minute sports interview on Sundays at 12:45 P. M. . . .

W. B. Film on Air

Mutual will air its "World's Fair Party" show from the ocean liner set on the Warner lot where "Til We Meet Again" was filmed. The program will be devoted to questions concerning the production and personalities appearing in the picture.

Plan N. A. B. Meeting

SAN FRANCISCO, April 24.—Plans for the August convention of the National Association of Broadcasters here were discussed by C. E. Arney, Jr., assistant to N. A. B. President Neville Miller, at a meeting with members of the 15th district. Arney announced that the St. Francis Hotel has been chosen as convention headquarters and will be the scene of business sessions. An extensive entertainment program is being prepared.

Press Now Controls 269 of 814 Stations

One-third, or a total of 269, of the nation's 814 broadcasting stations are controlled by newspapers, J. S. Gray, chairman of the radio committee, told the American Newspaper Publishers Association convention yesterday. Newspaper interests have kept pace with radio, Gray declared, and pointed out that 31 of the 50 new stations established last year were newspaper owned.

"Alongside the peak volume on the air of news reports, concurrent rises of newspaper circulation are most gratifying and no doubt significant," he said.

He declared that there was "an inevitable gravitation" bringing radio and newspapers together. He pointed out that frequency modulation offers publishers in smaller communities the opportunity of starting F. M. stations which will serve their cities.

Cooperation between the press, radio and the bar was summed up by Paul Bellamy, chairman of the cooperation committee, as: "We have not given away anything this year." A conference between representatives of A.N.P.A., American Society of Newspaper Editors, National Association of Broadcasters and the American Bar Association is scheduled for tomorrow.

O'Keefe Trial Starts

Trial of the \$48,750 breach of contract suit of Walter O'Keefe, radio performer, against Young & Rubicam and Packard Motor Car Co. started yesterday before N. Y. Supreme Court Justice John E. McGeehan. O'Keefe claims that he was discharged in March, 1938, in violation of a contract employing him on the air for the Packard company.

Forms Audit Service

Samuel Hacker has formed Film Audit Service here, to audit film exchanges. Hacker at one time was connected with First National, Republic and Columbia.

Prints Saved

The Monogram home office has received word from Colon that all prints were saved in the recent fire which swept the Panama city recently. Lynn Yost, Panama manager for the company, directed that work of moving all prints to safety as the fire spread.

B.M.I. Signs Pact For 2,500 Songs

Broadcast Music, Inc., organized recently in opposition to Ascap, disclosed yesterday that it had obtained exclusive performing rights to 2,500 songs in a 10-year deal closed with the M. M. Cole Publishing Co. of Chicago.

The Cole company will receive \$270,000 for the use of the catalogue at a rate of \$20,000 a year for the first three years and \$30,000 a year for the remaining seven. The contract may be canceled at any time, provided B.M.I. has paid \$25,000 to the Cole company.

A total of 290 stations have signed with B.M.I., officials said, and 90 more have committed themselves to sign, these 380 stations constituting more than half of commercial stations in the country.

G. T. E. Net \$212,681

General Theatres Equipment Corp. and subsidiaries, excluding the Cinema Building Corp., report net profit of \$212,681 for the quarter ending March 31. This is equal to 36 cents a share on 592,887 shares of common stock. The company showed a profit of \$145,544, or 25 cents a share, for the corresponding period in 1939.

ITO Meeting Not Held

The scheduled meeting of the I.T.O.A. here yesterday was not held because of the Passover holiday. Meetings are held regularly every second Wednesday.

Says Daytime Air Serials Demanded by Audiences

Declaring that the "public eventually gets what it wants," Margaret Cuthbert, NBC director of women's activities, yesterday lashed out at critics of daytime serial shows over the air. Addressing herself to the "We Are Not Listening" groups, Miss Cuthbert asserted that "daytime radio is fashioned entirely on audience acceptance. The advertiser aims at the woman where she is, not where you or I think she'd like to be."

After listing a number of higher-type women's shows she pointed out that few listeners bother to send letters commending such programs or urging their continuance. In contrast, 15,000 letters weekly are received from listeners of the script shows, she asserted.

"It is not flattering to say anything is an escape," she continued, "but I think that is the right explanation of the daytime serials. How else account for their popularity? Let us at least look into the situation intelligently.

Perhaps men and women are not completely satisfied with their lives and they listen to the serial for a reminder of the romance they have known. Or perhaps no experience completely fills our romantic dreams."

"Who, then, is to determine the standards and substance of radio material? So far, it has been done by the people who compose the listening audience inasmuch as audience acceptance has been considered a true and actual graph of audience satisfaction. By this method we in the trade have let the audience pick their own programs. When a program has a high audience rating we assume that it is what the potential audience wants. All business, and many branches of the arts, function on this principle."

The "We Are Not Listening" groups are being organized by women's clubs to protest against the present type of afternoon radio fare. The groups have threatened to boycott sponsors of daytime serials.

Projection Session Features S.M.P.E.

ATLANTIC CITY, April 24.—A session on projection this morning and the annual Spring banquet and dance in the evening featured the third day of the Spring convention of the Society of Motion Picture Engineers at Haddon Hall hotel here today.

W. C. Miller of the Paramount Studio on the Coast described a new technique for the coating of lenses with a transparent film which reduces the light loss caused by reflection, in a paper read by E. C. Richardson. The lens coating is a development of Dr. John Strong of the California Institute of Technology. The paper reported projector lenses so treated show a 50 per cent increase in screen brightness.

A series of papers on various phases of projection practice were read at the day's session, led this morning by that on "Advancement in Projection Practice," by F. H. Richardson of Quigley Publications.

Others included: "A Personal Safety Factor for Projection Practice," by T. P. Hoover; "New Lenses for Motion Picture Projection," W. B. Rayton of Bausch & Lomb; "Projection Supervision, Its Problems and Importance," Harry Rubin, projection supervisor for Paramount; "The Projectionist's Interest in Auditorium Viewing Conditions," Ben Schlanger, architect and contributor to BETTER THEATRES; "Progress in Projection Lighting," W. C. Kalb, National Carbon Co.; "Records for the Projection Room," J. R. Prater.

There were no meetings this afternoon. Two general sessions will conclude the convention tomorrow.

Stockholders Sue On Roanoke House

ROANOKE, Va., April 24.—Three stockholders, W. B. Huddleston, Lucy E. Peters and Elizabeth P. Broun, have filed suit asking the appointment of a receiver for the National Theatre Corp., alleging misconduct and mismanagement in the affairs of the company.

Defendants are Elmore D. Heins, president; Henry D. Scholz, vice-president and treasurer; Benjamin S. Smith, manager of the American Theatre; the Sun Investment Corp., and the National Theatre Corp. The company operates the American and the executives are alleged to have paid an excess rental to Sun Investment, which they are claimed to control.

Malco Fights Two Local Ordinances

MORRILTON, Ark., April 24.—Malco Theatres, Inc., has filed suit in Chancery Court asking that the city be restrained from enforcing recent ordinances for a theatre tax and limiting the number of theatres which one firm may operate.

Malco, headed by M. A. Lightman, former president of the M.P.T.O.A., contends that the theatre limiting ordinance is unconstitutional, and that the proposed annual license fee based on seating capacity is unreasonable and discriminatory. Plans for a new Malco house here have been held up pending the outcome of the suit.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 83

NEW YORK, U.S.A., FRIDAY, APRIL 26, 1940

TEN CENTS

Ascap's 1939 Receipts Put At \$6,000,000

**Gain of More Than 10%
Over 1938 Total**

Ascap's receipts for 1939 approximately \$6,000,000, a gain of more than 10 per cent over receipts for the preceding year, it was learned yesterday.

However, operating costs of the music licensing society increased proportionately last year, aggregating \$1,320,000. This was due largely to the cost of defending the society in legal actions involving state anti-Ascap legislation in many sections of the country.

Estimated receipts for 1939 consist of \$4,000,000 from radio broadcasters, \$1,000,000 from motion picture theatres and \$1,000,000 from hotels, restaurants, taverns and other sources. The bulk of the increase in receipts for 1939 is accounted for outside of theatres, revenue from which remained approximately the same as for the preceding year.

New Fight Seen as FCC Counsel Quits

WASHINGTON, April 25.—Internal friction which disrupted the Federal Communications Commission under the chairmanship of Frank R. McNinch has broken out anew, it was indicated today by the announcement that William J. Dempsey, general counsel, and William G. Koplovitz, his chief assistant, have resigned to enter the practice of law.

Brought from the Power Commission by McNinch when he reorganized the Communications Commission, the two attorneys are said to have been at odds with Chairman J. L. Fly.

Schneider Honored At Birthday Party

Columbia executives gathered at the Tavern yesterday to honor Abe Schneider, treasurer, on his 35th birthday. An engagement prevented Jack Cohn from attending, but Dr. A. H. Giannini, board member, who arrived from the Coast yesterday for a board meeting today, was present.

The executives attending included: Abe Montague, Joseph McConville, Rube Jackter, Leo Weinberg, Max Weisfeldt, Joseph McConville, Nat Cohn, Leo Jaffe, Mort Wormser, Max Seligman and Lou Barbano.

Mannix, Asher Leave For British Survey

Hollywood, April 25.—Edward J. Mannix, M-G-M production executive, and Irving Asher, associate producer, leave Saturday for England to survey production problems under wartime conditions. They will discuss plans for English films with Ben Goetz, in charge of British production. Asher, who recently joined M-G-M after several years in England, may make several pictures there. One of these may star Robert Donat in a remake of "Dr. Jekyll and Mr. Hyde."

Apply to List RKO Securities Today

Applications for listing 2,753,053 shares of new RKO common stock and 128,170 shares of new preferred on the New York Stock Exchange will be filed by the company today.

The application will include a request for approval of the listing on notice of issuance of an additional 6,338,133 shares of common stock. These additional shares are provided to take care of the conversion of preferred into common and for the exercise of subscription warrants.

Although the application may be acted upon by the Exchange within the next two weeks, actual listing of the stock is not probable before June

(Continued on page 4)

British Circuit Closes for 'Wind' Against CEA Fight

LONDON, April 25.—A deal for "Gone With the Wind" was closed here today with John Maxwell's Associated British Theatres circuit by Sam Eckman, M-G-M managing director for Britain.

Details of the deal were not made public but it is believed that the picture will play only a selected number of the "key" houses of the circuit and at the identical terms on which the picture is being sold in the United States.

Closing of the deal, it is believed here, may disrupt the Cinematograph Exhibitors Association campaign against the selling terms for the picture, and appears to confirm earlier trade opinion that the campaign would benefit the circuits if it had any effect whatever at the outset.

Eckman, in a statement issued to—

(Continued on page 4)

Holidays Increase Broadway Grosses

Passover holidays boosted grosses all along Broadway this week despite generally bad weather. Matinee trade reflected improvement and the evening grosses also were better than normal.

"Forty Little Mothers," with Eddie Cantor and George Jessel on the stage, drew an estimated \$40,000 at

(Continued on page 4)

NBC Shifting Television Schedule for the Summer

Major changes in the operating policies of NBC television for the Summer months were disclosed yesterday, to become effective May 13. All Sunday programs and Saturday night shows will be dropped. Evening programs will start a half hour later because of daylight saving time and matinee programs will be moved forward a half hour.

The new schedule was protested by the sales force, which contended that there should be a Saturday night show to permit prospective receiver customers to see an actual program at dealer showrooms. The new hours, however, will stand unless protests mount. If a further change becomes necessary, programs will be telecast Tuesdays through Saturdays.

Between 15 and 16 hours, the same number as at present, will be main-

tained, yesterday's announcement said. However, instead of the week beginning on Wednesday and running through Sunday, as at present, the week will begin on Monday evening and run through Saturday matinee. The Saturday matinee is retained because of the large number of sporting events which can be televised at that time.

Plans for televising the Republican convention from Philadelphia have been completed and some portion of each day of the meeting will be put on the air. A coaxial cable between Philadelphia and New York will be used to transmit between the two cities.

Under the new program setup, matinees will begin at 3 P. M. instead of 3:30. Originally, all matinees started at 3 P. M. but they were moved for-

(Continued on page 10)

U.A. to Push Sales Abroad Despite War

**Pre-Selling Organization
Also Set by Board**

United Artists will embark immediately on a program of intensive selling in foreign markets regardless of whether or not money embargoes are in force in those markets, Maurice Silverstone, head of the company's world wide operations, stated yesterday following a meeting of the company's board of directors.

Silverstone said the foreign policy was approved by the board, which was convinced that a letdown of sales effort in international markets now would be fatal to the company's foreign business after the war.

In line with this policy, Arthur W. Kelly, foreign department head, will leave for Europe by *Clipper* in about two weeks to conduct an international sales meeting in London which will be attended by as many of the company's foreign representatives from all over the world as can be assembled there at the time.

Silverstone said, however, that the policy did not include any sales activity whatever in Italy or Germany, or territories controlled by Germany.

The basis of the company's foreign policy will be maintenance of sales

(Continued on page 4)

New York, Chicago U.A. Meetings Set

United Artists will hold sales conventions in New York and Chicago next month; the first for the Eastern and Canadian sales forces and the second for the Western forces.

The New York meeting will be held May 13, 14 and 15, and the Chicago meeting May 17, 18 and 19. Hotel arrangements for both meetings are now being made.

Harry L. Gold, vice-president and

(Continued on page 4)

Harder Is Elected GTE Vice-President

R. N. Harder has been elected vice-president and treasurer of General Theatre Equipment Corp. to succeed the late M. V. Carroll. R. B. LaRue has replaced Carroll on the board of directors.

All other officers and directors were reelected including Earle G. Hines, president; W. E. Green, vice-president, and LaRue, secretary.

London's Negroes Ask Ban on 'Wind'

London, April 25.—The Colored People's Association of Great Britain has asked the British Government to ban "Gone With the Wind," claiming it is insulting to the Negro community. The association threatens to picket the three London houses playing the film if the ban is not instituted.

6,000 Houses Open Will Rogers Drive

The fifth annual Will Rogers National Theatre Week started in nearly 6,000 theatres throughout the country yesterday and will continue through next Wednesday.

All major circuits and thousands of independent theatre owners are enrolled in the campaign, which is designed to raise money to maintain the Will Rogers Memorial Hospital at Saranac Lake, N. Y., and for other medical, charitable and educational purposes. The Memorial Hospital is for anyone actively engaged in the film industry suffering from tuberculosis.

In connection with the drive in the theatres a short subject is shown, which was prepared on the Coast under the supervision of Harold Rodner of Warners. Major L. E. Thompson is chairman of the campaign and A. P. Waxman is director of the drive.

The larger theatres in the country solicit money from patrons in connection with the showing of the short subject, while smaller theatre owners contribute individually to the drive fund.

Broadway to 'Clean Up'

"Clean Up Week" will be observed on Broadway next week with inaugurating ceremonies at Duffy Square on Monday. Participating will be Mayor LaGuardia, Harvey D. Gibson, chairman of the World's Fair, Ben Bernie, Abbott & Costello, Milton Berle and others. The Broadway Association has canceled its scheduled "boost Broadway" parade.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the
Rivoli Theatre)

(51st Street
Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Purely Personal

JOHN JOSEPH, Universal advertising and publicity director, is remaining in the East to attend the company's sales conventions at Atlantic City and Chicago next month.

JAMES H. ALEXANDER, Republic franchise holder in Pittsburgh, is conferring here with **JAMES R. GRAINGER**, Republic president.

HARRY KOSINER, **JOSEPH MOSKOWITZ**, **CHARLES STERN** and **JACK GOETZ** at Lindy's for lunch yesterday.

JACK SCHAINDLIN, composer and scorer for RKO and Universal short subjects, celebrated his birthday yesterday.

ARTHUR LOEW, vice-president and foreign department head of Loew's, was confined to his home with a cold yesterday.

BERNARD SHORE, publicity director for French Cinema Center, flew to Washington last night.

G. L. CARRINGTON, **T. H. CARPENTER**, **A. J. RADEMACHER**, **F. B. EVANS**, **D. M. KIRBY**, **D. A. PETERSON**, **W. R. WIDENOR** and **E. S. SEELEY** of Altec have returned from the S.M.P.E. Atlantic City convention.

McCarthy, Farnol, Bergman Join Ampa

Charles E. McCarthy, **Lynn Farnol** and **Maurice Bergman**, advertising and publicity directors of 20th Century-Fox, United Artists and Columbia, respectively, have become members of Ampa, **Leon Bamberger**, new president, announced at the Ampa luncheon meeting at Dempsey's restaurant yesterday.

Guest speakers at the luncheon were **Harry Carey** and **John Garfield** of the cast of the Broadway play, "Heavenly Express."

The membership committee, headed by **Lou Pollock**, Universal's Eastern advertising and publicity director, is undertaking a campaign which aims to return as members those who have dropped out as well as to obtain new additions. The initiation fee of \$10 has been waived during the drive.

Lichtman Leaves Tonight

Al Lichtman, M-G-M vice-president, will return to the Coast tonight after a brief visit during which he conferred with **Nicholas M. Schenck**, president, who was here from Florida for two days. Schenck is expected back in the city permanently about May 10, after spending the Winter at his home in Miami Beach.

Sistrom in From London

William Sistrom, RKO producer, arrived from Europe on the *Conte di Savoia* yesterday for conferences on the company's future British production arrangements. Sistrom has been in London the past two months.

Leaves Consolidated

George Schwartz has resigned as booker and advertising manager for Consolidated Amusement Enterprises. He was with the circuit for five years, booking for 15 houses in the Bronx and also operating the Ascot.

DIXON BOARDMAN, representative of 20th Century-Fox on the Gaumont British board, has gone to California.

KENNETH McKENNA, story editor of M-G-M, arrives from the Coast Monday.

JAMES A. FITZPATRICK, **WILLIAM GERMAN**, **BUDD ROGERS**, **COLVIN BROWN**, **THOMAS P. LOACH**, **HARRY THOMAS**, **HERB EDWARDS**, **MARVIN SCHENCK**, **GUS BARTH** and **RALPH POUCHER** lunching at **Bob Goldstein's** Tavern yesterday.

JACKSON PARKS, public relations director of the Conference of A.F.L. Studio Unions, was married last weekend to **MRS. ELEANOR ROWE**, it has been revealed.

CHARLES C. PETTIJOHN, **TOBY GRUEN**, **MAX A. COHEN**, **ADOLPH ZUKOR**, **JACK COHN**, **HERMAN ROBINS** and **MAX DREYFUS** at Nick's Hunting Room in the Astor for lunch yesterday.

JOHN BYRAM, **HARRY KAUFMAN**, **KENYON NICHOLSON**, **MICHAEL TODD**, **DAVE BLUM**, **JOHN SHUBERT**, **MORT SPRING** and **WILLIAM MELNIKER** lunching at **Sardi's** yesterday.

Ellis Island Scene Of Metro Preview

Representatives of the U. S. Navy, the Coast Guard and patriotic organizations went to Ellis Island on a Coast Guard cutter yesterday for a preview of "The Flag Speaks," M-G-M two-reel short. The film, which traces the history of the American flag, was produced at the suggestion of the American Legion with the cooperation of the M.P.P.D.A.

Arthur De Bra of the M.P.P.D.A. and **C. M. Wilson** of Indianapolis, assistant national director of the American Legion, spoke. A luncheon preceded the screening.

Representing M-G-M were **Si Seadler**, advertising manager; **Herbert Morgan**, short subjects promotion manager, and **Charles Cohen**.

Resolution Honors Hess

A resolution memorializing the late **Gabriel L. Hess**, former general attorney of the M.P.P.D.A., was adopted by the Copyright committee of that organization yesterday. Hess was counsellor to the committee on copyright law and legislation.

Delay Action on Loach

Appointment of a successor to **Thomas Loach** as treasurer of Pathe Film Corp. yesterday was postponed by the board of directors until April 30. Loach will join Monogram as vice-president on May 1. Yesterday's board meeting was described as routine.

'Ziegfeld Girl' Cast

HOLLYWOOD, April 25.—M-G-M today completed the cast for "The Ziegfeld Girl," **Pandro Berman's** first film for the studio. It will be headed by **Eleanor Powell**, **Hedy Lamarr**, **James Stewart**, **George Murphy**, **Lana Turner**, **Walter Pidgeon** and **Frank Morgan**.

Newsreel Parade

Mackenzie King, Prime Minister of Canada, gets the spotlight in the new issues, as he visits President Roosevelt. The reels and their contents follow:

MOVIETONE NEWS, No. 66—Roosevelt is host to Canadian Prime Minister. Secretary Edison returns from fleet maneuvers. **Linda Darnell** in Hollywood's *How to Succeed in Business Without Really Trying*. Preparedness in Sweden. British test model of fastest plane. Adventure party in Virginia Caverns. New guns for British anti-aircraft unit. Summer fashions. **Lew Lehr**. Female lifeguards in Australia. **Galento** and **Baer** prepare for bout.

NEWS OF THE DAY, No. 264—Rush defenses in Rumania. British fleet in home waters. Edison at naval training station. Roosevelt greets Mackenzie King. Dies warns of plots. Wrestler in a museum. Jewelry show. College gymnasts in action. **Baer** and **Galento** in pre-bout talks.

PARAMOUNT NEWS, No. 69—Dress parade in Canada. Gale in Maine. Synthetic ice cream. Mackenzie King visits Roosevelt. Bartlett plans Arctic trip again. Galento sees bout victory. Prepare Fair for reopening. Political convention at Northwestern U. Western farmers return to farms.

RKO PATHE NEWS, No. 81—Mackenzie King visits Roosevelt. Gale and flood in Buenos Aires. Mexican air corps in mass flight. Tilden teaches tennis in California. Fox hunt in California. **Baer** and **Galento** train for bout.

UNIVERSAL NEWSREEL, No. 870—Roosevelt confers with Mackenzie King. Secretary Edison inspects recruits. New plane carrier is ready. Britain bares war costs. Spanish exiles in Mexico. Indians drop Swastika insignia. Prepare Fair for reopening. Salmon run in Oregon. Girls play soft ball in New Orleans. Galento and **Baer** in training. Automobile racers in Memphis.

Para. Executives At Banshee Lunch

Paramount home office executives turned out yesterday for the luncheon tendered to the American Newspaper Publishers Association by the Banshees, New York newspapermen's social organization, at the Starlight Roof of the Waldorf-Astoria.

Jack Benny headed the luncheon entertainment program and 15 presidential aspirants of both political parties were guests of honor.

Among the Paramount executives who attended the luncheon were: **Barney Balaban**, **Stanton Griffis**, **Austin Keough**, **Neil Agnew**, **Robert Gillham**, **Al Wilkie**, **Oscar Morgan** and **J. J. Unger**.

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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• "Yesterday we saw a queue extending from the Paramount Theatre in Times Square around the block to Eighth Avenue and 44th Street. IT WAS THE BIGGEST

AFTERNOON* IN THE HISTORY OF THE PARAMOUNT THEATRE, which is quite a theatre. Jack Benny is the kind of personality who stacks them up five deep in a crosstown block and an uptown block to boot!"

—B. R. Crisler, *New York Times*

*The biggest OPENING DAY in Paramount history, you mean, Mr. Crisler!

JACK BENNY in "BUCK BENNY RIDES AGAIN"

ELLEN DREW • ANDY DEVINE • PHIL HARRIS • Virginia Dale • Lillian Cornell • Dennis Day • ROCHESTER

Produced and Directed by MARK SANDRICH • Screen Play by William Morrow and Edmund Beloin • Based on an Adaptation by Zion Myers of a Story by Arthur Stringer

U.A. to Push Sales Abroad Despite War

(Continued from page 1)

throughout the war in an effort to preserve international business after the war, Silverstone said. In pursuing this program, he added, the company "will take its chances" on blocked currencies and financial restrictions wherever they may be encountered.

In addition, Silverstone reported that the United Artists board yesterday approved plans for a new publicity and exploitation organization which will be set up in the field to conduct pre-selling campaigns on all of the company's product.

Plans for the field organization, he said, derived from the manner in which publicity and exploitation was handled by David O. Selznick's organization for "Gone With the Wind," prior to and during its production. Selznick attended the board meeting yesterday and contributed numerous recommendations for new season's product from United Artists producers, as well as specific proposals for selling plans and the operation of the new field bureau, Silverstone said.

As a result of these suggestions, Silverstone will leave for the Coast tonight to confer with United Artists producers on many phases of the production ideas. He will be gone about a week.

The new publicity and exploitation bureau will be headed by a director to be chosen in the near future. The director will make his headquarters in Hollywood but will be a part of the company's advertising and publicity department headed by Lynn Farnol. He will contact all 10 United Artists producers for news and exploitation material and feed this to 15 field workers who will cover key cities throughout the country. The information also will go to the home office for local and national dissemination from here and will be augmented by home office developments.

Attending yesterday's meeting in addition to Silverstone and Selznick were Mary Pickford and her board representative, Herbert Maas, Charles Schwartz, Dennis F. O'Brien, Edward C. Raftery, Emanuel Silverstone, James Mulvey, Clarence Ericsson, Arthur Kelly, Lowell Calvert and F. H. Bardt, the latter of the Bank of America.

Goldman Added as Trust Suit Witness

The Government yesterday added the name of William Goldman, Philadelphia exhibitor as a witness in its "key" anti-trust suit against the majors. Goldman has knowledge of an alleged Warner monopoly in Philadelphia, according to a supplemental answer filed.

An affidavit of Special Assistant Attorney General Seymour Krieger filed with the answer stated that Goldman's name had inadvertently been omitted from the original answer. The Government claims that Goldman in 1935 was forced to drop his efforts to lease the Keith Theatre because United Artists refused to sell him first run, and then Warners leased the Keith.

Hollywood Review

"The Doctor Takes a Wife"

(Columbia)

HOLLYWOOD, April 25.—Definitely adult fare, "The Doctor Takes a Wife" stars Loretta Young and Ray Milland in a story whose plot forces two unmarried persons, one a "career woman" and the other a college teacher, to live unchaperoned under the same roof for the sake of protecting their business and personal lives. Mistakenly reported in the press as married, the teacher, who has been promoted to a professorship because of the event, and the woman, a writer whose publisher envisions huge profits from a new book, agree to carry on the deception, living in the same apartment but sleeping in different rooms.

Matters are complicated when the doctor's intended bride appears on the scene, well meaning friends intervene, and the posing couple suddenly realize they are really in love with each other.

Supporting Miss Young and Milland, who are highly competent in their roles, are Reginald Gardiner, Gail Patrick, Edmund Gwenn, Frank Sully, Gordon Jones, Georges Metaxa, Charles Halton, Joseph Egerton, Paul McAllister, Chester Clute, Hal K. Dawson and Edward Van Sloan.

The screenplay by George Seaton and Ken Englund, who adapted a story by Aileen Leslie, bristles with dialogue of the sophisticated type, and had a Hollywood preview audience virtually screaming with laughter. Alexander Hall, who directed this William Perlberg production for Columbia, made the most of the opportunities for comedy.

Running time, 90 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

Fee for Films on Public Lands Hit

WASHINGTON, April 25.—Imposition of fees by the Secretary of the Interior for the taking of motion pictures on the public lands or on properties of the United States was declared today by Senator Ashurst of Arizona to be an unwarranted restriction of the right of the people to make proper use of such places.

The Senator yesterday introduced a resolution calling for an investigation of the matter by the Senate Public Lands Committee, explaining that on April 20 Secretary Ickes issued a schedule of charges for the taking of pictures.

At the same time, he pointed out, the Interior Department itself has engaged in extensive motion picture production.

The Interior Department schedule provides for a flat charge of \$100 for the taking of a motion picture on the public domain other than the national parks, with casts comprising 25 persons or more, with sets, and a daily fee for films made in the national parks of \$50 for casts of five to 24 persons and \$250 for casts of 25 or over, not including crews. No charge is made for the taking of newsreel, travelogue or still pictures.

New York, Chicago U.A. Meetings Set

(Continued from page 1)

Eastern general sales manager, will preside at the meeting here and L. J. Schlaifer, vice-president and Western general sales manager, will preside at the Chicago meeting.

Home office executives, district and branch managers, salesmen and bookers from the respective territories will attend the meetings.

Holiday Increases Broadway Grosses

(Continued from page 1)

the Capitol. "Strange Cargo" opened there yesterday. "Buck Benny Rides Again" opened big at the Paramount on Wednesday with Gene Krupa's band and Connie Boswell on the stage. Jack Benny made two personal appearances Wednesday. The first two days' gross was estimated at \$15,500.

"Til We Meet Again" at the Strand, with Wayne King's orchestra on the stage, drew an estimated \$38,000 in its first week and is held over. "Rebecca," with a stage show at the Music Hall was still a top grosser in its fourth week and drew an estimated \$90,000. The fifth week started yesterday. At the Rivoli, the last eight days of the run of five weeks and one day of "It's a Date" should bring an estimated \$12,000, when the film bows out tonight. "French Without Tears" opens at the Rivoli tomorrow. At the Roxy, "Johnny Apollo" with a stage show grossed an estimated \$33,000 for its second week. "One Million B.C." opens at the Roxy today.

Apply to List RKO Securities Today

(Continued from page 1)

1, due to the fact that listing is subject to action by the Securities and Exchange Commission, and RKO's report to the S.E.C. on the new securities will not be filed until about May 15 due to delays in auditing the company's 1939 figures.

An application for listing the RKO common stock option warrants will be filed next week with the N. Y. Curb Exchange.

Plans Missouri House

WEST PLAINS, Mo., April 25.—J. S. Garrett has begun remodeling a building here for the construction of a theatre seating 400.

S.M.P.E. Sets Fall Convention on Coast

ATLANTIC CITY, April 25.—Fall convention of the Society of Motion Picture Engineers will be held in October in Hollywood, it was decided at the closing session of the four-day annual Spring meeting at Haddon Hall here today.

An electrically-operated, almost silent treadmill for use on studio sets, was described today in a paper by J. Robbins of the Paramount studio. "Silent, Variable-Speed Treadmill." Other morning papers included "Filtering Factors of the Magnetic Drive," by E. W. Kellogg and R. O. Drew, RCA Manufacturing; "The Effects of Ultraviolet Light on Recording and Printing," by J. G. Frayne of Erpi, and "A Precision Integrating Sphere Densitometer," by J. G. Frayne and G. R. Crane, Erpi.

The following papers were read at the afternoon session: "Improvements in Motion Picture Laboratory Apparatus," by C. E. Ives and E. W. Jensen, Eastman Kodak; "Mathematical Expression of Developer Behavior," by J. R. Alburger, RCA Manufacturing; "Optimum Load Impedance for Feedback Amplifier," by B. F. Miller, Warners studio; "A Modern Studio Laboratory," by G. M. Best and F. R. Gage, Warners studio; "Motion Picture Theatre Developments," by M. Rettinger, RCA Manufacturing, Hollywood.

16 States to Start On Daylight Time

Communities in 16 states will go on Daylight Saving Time schedules early Sunday morning. Clocks will be set ahead, and the Summer time retained until Sept. 29. The Merchants Association of New York reports that many communities in upstate New York, which heretofore have held to regular time, this year will institute Daylight Saving Time. All cities in the state will use Summer time.

The other 15 states are: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, Georgia, Indiana, Illinois, Delaware, Tennessee and Michigan. In the case of most states, only the larger metropolitan centers will use Daylight Saving time, smaller rural communities for the most part sticking to the regular time.

English Circuit Buys 'Wind' Film

(Continued from page 1)

day, pointed out that the C.E.A. bulletin attacking the sales policy for "Wind" completely ignored M-G-M's offer to guarantee exhibitors who play the picture a minimum profit of 10 per cent.

Leaves Loop Oriental May 16

CHICAGO, April 25.—"Gone With the Wind" will end its run at the Oriental in the Chicago Loop on May 16, but the run at the Woods will continue indefinitely. Negotiations are still on between Balaban & Katz Circuit officials and Edward Saunders, western sales manager of M-G-M, on the runs to follow the Loop engagements. No decision has been reached as yet.



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be a box-office
smash” ♦ ♦ says
FILM DAILY*

THE HAPPIEST SHOW

DAILY VARIETY . .

"For sheer entertainment qualities 'Irene' will take its place among the better offerings of the year."

HOLLYWOOD REPORTER . .

"Not only a hit show, but a cleverly conceived revelation of another facet of Anna Neagle's talent."

LOUELLA O. PARSONS, L. A. EXAMINER . .

"The exciting beauty of Anna Neagle is Hollywood's chief topic of conversation . . . 'Irene' is what the doctor ordered in the way of entertainment."

VIRGINIA WRIGHT, L. A. DAILY NEWS . .

"Reveals a radiant new personality . . . Gay, pretty, amusing and altogether refreshing."

PAUL HARRISON, NEA SYNDICATE . .

"Anna Neagle is stunningly beautiful, artful and richly comic."

HARRISON CARROLL, KING FEATURES . .

"Anna Neagle proves herself a delightful comedienne. She is charming, versatile, and a real addition to Hollywood's roster of bright, winning stars."

HEDDA HOPPER, RADIO COMMENTATOR . .

"After seeing 'Irene' I've ordered my Alice Blue Gown."

HAROLD HEFFERNAN, NANA SYNDICATE . .

"Herbert Wilcox's direction of 'Irene' is masterly, and it is refreshing to see Miss Neagle as the young and lovely girl we know her to be."

EDWIN SCHALLERT, L. A. TIMES . .

"Decidedly in the class realm . . . Light-spirited entertainment particularly suited to the season of the year."

Produced and Directed by

HERBERT WILCOX



Screen Play by Alice Duer Miller
From the Musical Comedy, "Irene"
Book by James H. Montgomery
Music and Lyrics by Harry Tierney
and Joseph McCorthy



YOU'LL PLAY THIS YEAR!

ANNA NEAGLE ★ RAY MILLAND

REFuge

WITH
ROLAND YOUNG • ALAN MARSHAL
MAY ROBSON • BILLIE BURKE
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NED DEPINET, RKO RADIO PICTURES INC=

ROCKEFELLER CENTER RADIO CITY NYK=

DEAR NED: THE WORLD PREMIER OF "IRENE" AND THE PERSONAL APPEARANCES TODAY AT THE FIFTH AVENUE THEATRE OF ANNA NEAGLE AND HER PRODUCER DIRECTOR HERBERT WILCOX WERE A HUGE SUCCESS. IT IS THE BIGGEST OPENING DAY WE HAVE HAD IN SEVERAL YEARS WITH THE EXCEPTION OF "GONE WITH THE WIND". THE AUDIENCE REACTION IS TERRIFIC AND IT IS DEFINITELY IN THE AIR AND ACCEPTED AS A GREAT PICTURE. I AM CONFIDENT IT IS IN FOR A FINE RUN. ANNA NEAGLE IS ONE OF THE MOST CHARMING PERSONALITIES I HAVE EVER MET AND THE SAME GOES FOR HER PRODUCER DIRECTOR HERBERT WILCOX. "IRENE" IS JUST WHAT THE PUBLIC WANTS TODAY BECAUSE IT IS SMASH ENTERTAINMENT EVERY SECOND. MORE POWER TO RKO FOR GIVING THE EXHIBITOR A PICTURE THE PUBLIC REALLY WANTS. VERY SINCERELY=

JOHN HAMRICK.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Short Subject Reviews

"The Flag Speaks"

(M-G-M)

This is rich in elements which are especially patriotic organizations. The release date is June 14, which is Flag Day. Produced in color, the film traces the history of the American flag in relation to the average citizen. The struggle for independence, the Civil War, the religious discrimination riots and other stirring events in our national history are indicated as having altered the design of the Stars and Stripes. In conclusion there are demonstrations of proper and improper ways of displaying the flag. Running time, 19 mins.

"XXX Medico"

(M-G-M)

Another in the Passing Parade series, the subject here is the development of the distress signal at sea, XXX Medico, which, when flashed, clears all wires, thus preventing interference. Cases in which the lack of such a signal caused tragedy are illustrated. Finally, with the institution of the signal, a physician, miles away, is enabled to forward his medical knowledge to a woman in the throes of childbirth, saving her life. Extremely interesting. Running time, 10 mins.

"Calling on Colombia"

(M-G-M)

Numerous scenic elements in the South American Republic of Colombia have been filmed for this FitzPatrick Traveltalk in color. Floating markets, ancient cities, colorful streets and harbors and finally a rainbow over the river make the short pleasing to the eye. Adding to the interest is the narration on the country's history, and how it was altered by its great patriot, Simon Bolivar. Running time, 8 mins.

"Unusual Occupations, No. 4"

(Paramount)

Curious avocations of oddly assorted people here and there make up an entertaining subject. Doris DeGreen, at 18, is a remarkably skillful bagpuncher; Dr. M. Russell Stein, New York dentist, builds incredible models of famous bridges with toothpicks, and Mrs. Stella Campin of Iowa paints pictures on real cobwebs with amazing results. Running time, 10 mins.

"Popular Science, No. 5"

(Paramount)

An interesting subject of an interesting series, done in color. The marvels of science enable two bachelor girls to maintain the equivalent of a three-room apartment in one room; Professor Oakes, mental giant, demonstrates another "Rube Goldbergian" invention, and a timely sequence pictures the aeronautics laboratory operated by the Government at Langley Field, Va. Running time, 10 mins.

New York Review

"The Mayor's Dilemma"

(Film Alliance of U. S.)

One of the finer and more entertaining examples of French production, this should be highly enjoyable for any audience, whether understanding French or not.

From an original story by Leo Mittler, and directed by Raymond Bernard, the story is set in a small French village on the Marne in the early days of the World War. Moving, simply and effectively performed, and at times providing a high degree of suspense, it possesses a certain charm.

The story centers about the jovial mayor, an underlying situation being his long standing quarrel with the wealthy landowner. The mayor's daughter and the landowner's son run off and marry, and return for the night, only to find the village in the hands of the Germans. The boy kills a German officer, returns to the French lines, and five hostages are demanded. They must pay the penalty, or the town will be shelled to the ground.

The mayor, the landowner, the policeman, bailiff and town barber dress in their somber best and march off to the town jail, to await their execution in the morning. There is a pathetically amusing scene as they await their fate bravely, to save their town. As the French recapture the town at the 11th hour, they are saved, become town heroes and come to a realization of the pettiness of small quarrels.

Running time, 90 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

"Date" with \$18,000 Strong in Detroit

DETROIT, April 25.—Business continued good with the Michigan hitting \$16,000 for the second week of "Rebecca" and "Granny, Get Your Gun." The Fox took \$18,000 with "It's a Date" and "Charlie Chan in Panama."

Estimated takings for the week ending April 18:

"Too Many Husbands" (Col.)
"Double Alibi" (Univ.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"The Light That Failed" (Para.)
"Brother Rat and A Baby" (W. B.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$8,000. (Average, \$7,000)
"It's a Date" (Univ.)
"Charlie Chan in Panama" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: \$18,000. (Average, \$15,000)
"Rebecca" (U. A.)
"Granny Get Your Gun" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days, 2nd week. Gross: \$16,000. (Average, \$12,000)
"Virginia City" (W. B.)
"The Farmer's Daughter" (W. B.)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$7,000. (Average, \$7,000)
"Northwest Passage" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$8,000. (Average, \$10,000)
"Gone With the Wind" (M-G-M)
WILSON—(1,912) (75c-\$1.10-\$1.50) 7 days, 12th week. Gross: \$20,000.

"Date" with \$5,000 Best in St. Louis

ST. LOUIS, April 25.—"It's a Date" and "The Blue Bird" at the Missouri drew \$5,000 in a week of only fair grosses.

Estimated takings for the week ending April 18:

"Northwest Passage" (M-G-M)
"The Lone Wolf Strikes Again" (Col.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$9,000. (Average, \$13,000)
"Too Many Husbands" (Col.)
"Adventure in Diamonds" (Para.)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$11,000. (Average, \$11,500)
"House of Seven Gables" (Univ.)
"Black Friday" (Univ.)
FOX—(5,038) (25c-40c-55c) 6 days. Gross: \$6,000. (Average, 7 days, \$11,000)
"It's a Date" (Univ.)
"The Blue Bird" (20th-Fox)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,000)
"Viva Cisco Kid" (20th-Fox)
"Ma, He's Making Eyes at Me" (Para.)
ST. LOUIS—(4,000) (25c-40c-55c) 7 days. Gross: \$3,500. (Average, \$2,600)

Heidt, "Seventeen" Lead in Pittsburgh

PITTSBURGH, April 25.—The Stanley led the field with "Seventeen" and Horace Heidt on the stage to the best gross in months, \$25,000. "Too Many Husbands" at the Alvin drew \$7,700 and "Young Tom Edison" took \$14,000 at Loew's Penn.

Estimated takings for the week ending April 18:

"Too Many Husbands" (Col.)
ALVIN—(1,800) (25c-35c-50c) 8 days. Gross: \$7,700. (Average, 7 days, \$7,000)
"Viva Cisco Kid" (20th-Fox)
"Free, Blonde and Twenty-One" (20th-Fox)
FULTON—(1,700) (25c-40c) 6 days. Gross: \$3,200. (Average, \$5,000)
"Young Tom Edison" (M-G-M)
LOEW'S PENN—(3,400) (25c-35c-50c) 7 days. Gross: \$14,000. (Average, \$13,000)
"Rebecca" (U. A.)
RITZ—(800) (25c-35c-50c) 7 days, 3rd week. Gross: \$4,800. (Average, \$4,000)
"Charlie Chan in Panama" (20th-Fox)
"Shooting High" (20th-Fox)
SENATOR—(1,800) (25c-40c) 7 days. Gross: \$2,000. (Average, \$3,500)
"Seventeen" (Para.)
STANLEY—(3,600) (25c-40c-60c). On stage: Horace Heidt orchestra, with Larry Cotton, Fred Lowery, Frankie Carle, Le Ann Sisters, Red Ferrington, Art Carney, Henry Russell, Bobby Hackett, Bob Knight, Bernie Mattinson. 7 days. Gross: \$25,000. (Average, \$17,000)
"Road to Singapore" (Para.)
WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week. Gross: \$6,000. (Average, \$5,000)

"Edison" at \$9,000 Indianapolis High

INDIANAPOLIS, April 25.—Business was above average for all first runs. "Young Tom Edison" at Loew's drew a strong \$9,000 for the best gross on a film alone.

Estimated takings for the week ending April 19:

"It All Came True" (W. B.)
"The Courageous Dr. Christian" (RKO)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$6,500. (Average, \$6,000)
"It's a Date" (Univ.)
"Half a Sinner" (Univ.)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$6,000. (Average, \$5,000)
"Young Tom Edison" (M-G-M)
"And One Was Beautiful" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$9,000. (Average, \$7,000)
"Viva Cisco Kid" (20th-Fox)
LYRIC—(2,000) (25c-40c) 6 days. Stage: Wayne King Orchestra and show. Gross: \$11,000. (Average, \$8,000)

Frisko Gives 'Cargo' Good \$19,500 Take

SAN FRANCISCO, April 25.—"Strange Cargo," with "And One Was Beautiful," drew \$19,500 at the Fox, holding for a second week. The weather was good all week, helping "It's a Date" and "Call a Messenger" to a strong \$10,500 in the second week at the Orpheum.

Estimated takings for the week ending April 16-19:

"Abe Lincoln in Illinois" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: \$14,500. (Average, \$15,000)
"It's a Date" (Univ.)
"Call a Messenger" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$10,500. (Average, \$8,000)
"Strange Cargo" (M-G-M)
"And One Was Beautiful" (M-G-M)
FOX—(3,000) (15c-30c-35c-40c) 7 days. Gross: \$19,500. (Average, \$16,000)
"Dr. Cyclops" (Para.)
"Adventure in Diamonds" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$12,000. (Average, \$11,000)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 4th week. Gross: \$8,400. (Average, \$8,000)
"Road to Singapore" (Para.)
"Women Without Names" (Para.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 4th week. Gross: \$5,500. (Average, \$6,000)
"Three Cheers for the Irish" (W. B.)
"Seventeen" (Para.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$11,500. (Average, \$12,000)
"Claudine" (Foreign)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$900. (Average, \$1,000)
"A Brivle Der Mamen" (Foreign)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$800. (Average, \$1,000)

'Star Dust,' Dorsey At \$20,100 in Buffalo

BUFFALO, April 25.—"Star Dust," aided by a stage show, did a big \$20,100 at the Buffalo. Tommy Dorsey and orchestra, Frank Sinatra and Bert Wheeler were included among stage offerings. "Rebecca" continued to draw in a second week at the Great Lakes with \$8,500.

Estimated takings for the week ending April 19:

"Star Dust" (20th-Fox)
BUFFALO—(3,000) (30c-35c-55c) 7 days. Tommy Dorsey & orchestra, Bunny Berrigan, Buddy Rich, Frank Sinatra, Jo Stafford, Pied Pipers, Bert Wheeler, Hank Ladd, Francetta Malloy and Winfield & Ford on stage. Gross: \$20,100. (Average, \$12,000)
"Rebecca" (U. A.)
GREAT LAKES—(3,000) (30c-50c) 7 days, 2nd week. Gross: \$8,500. (Average, \$7,500)
"Dr. Ehrlich's Magic Bullet" (W.B.)
"And One Was Beautiful" (M-G-M)
HIPPODROME—(2,500) (25c-35c) 7 days. Gross: \$7,200. (Average, \$6,800)
"Primrose Path" (RKO)
"The Marines Fly High" (RKO)
TWENTIETH CENTURY—(3,500) (25c-35c) 7 days, 2nd week. Gross: \$7,500. (Average, \$7,500)
"It's a Date" (Univ.)
"Honeymoon Deferred" (Univ.)
LAFAYETTE—(3,300) (25c-35c) 7 days, 2nd week. Gross: \$6,300. (Average, \$6,300)

Sign for RCA Equipment

Following theatres have contracted for the installation of RCA Photophone sound equipment: Drive-in Movies, New Orleans; a new Mullins & Pinanski theatre at Houlton, Me.; Congress, St. Louis; Eltinge, New York City; Queen, Queenstown, Md., and the Rio, Raymondville, Tex.

Sees Television Net From 2 New Spots

NBC television programs will be transmitted regularly from a new NBC station in Philadelphia and from the General Electric transmitter in Schenectady within the coming year, Alfred H. Morton, vice-president in charge of television, declared yesterday in a review of the first year of television.

If limited commercialization is permitted, program hours will be raised to 20 per week, he said, and they will be put on a seven day a week basis. During the first year, 200 commercial programs were presented in cooperation with 80 different advertisers, representing about 10 per cent of the total programming, and 600 program hours covered 1,000 shows.

WOR Gets Judgment On Contract Breach

Federal Judge Henry W. Goddard yesterday awarded a judgment of \$5,940 to Bamberger Broadcasting Service, Inc., against William Irving Hamilton, Inc., agent, and Ramsdell, Inc., sponsor of the radio program, "The Johnson Family." Judge Goddard ruled that the defendants in October, 1939, had breached a contract to purchase time on WOR at a weekly rate of \$1,980.

Further damages of \$14,630 may be awarded if Bamberger proves it was unable to "mitigate" its loss by sale of time to other sponsors, the court stated. The decision held that a sponsor is responsible for a contract which had been signed in his behalf by an agent, where the authority of the agent was not subject to question.

Farnsworth to Make Television Receiver

FORT WAYNE, Ind., April 25.—Farnsworth Television & Radio Corp. will start production of television receivers in September, E. A. Nicholas, president, announced today. Until then, Farnsworth will round out its line of studio and transmitting equipment.

New items will include dual monitor control console, studio rack equipment, 1,000-watt transmitters, and single sideband filters of improved types in addition to present equipment for picking up and televising motion pictures.

Spaeth Sues Warners

Warners were named defendants yesterday in a suit for \$500,000 damages filed in the N. Y. Supreme Court by Sigmund Spaeth, "tune detective" and music expert. Plaintiff contends that Dick Powell ridiculed him while playing the part of a professor in Warners' "Naughty But Nice." Warners yesterday applied for a transfer of the suit to the U. S. District Court.

Scott Western Ready

"Ride, Cowboy, Ride," second of a series of eight musical westerns starring Fred Scott, will go before the camera May 3. The series is produced by Spectrum Pictures and will be released through Monogram.

RADIO BREVITIES

MECANICAL tests necessary to raise the WBNX power to 5,000 watts, full time, should be completed early in May, W. C. Alcorn, general manager, declared yesterday. WBNX, which started on 250 watts power, and was then permitted to increase to 5,000 watts day and 1,000 night, recently received F.C.C. permission to go 5,000 watts full time. A new three-directional antenna has been installed at Carlstadt, N. J.

Personalities in the News

Lenox R. Lohr, NBC president, will speak over NBC-Blue and CBC on May 1 when CFCF, Montreal, celebrates its 21st anniversary with the opening of its new studios. . . . Amos 'n' Andy will be heard during daytime hours for the first time on Monday when they will introduce Fletcher Wiley on his new Campbell Soup program over CBS at 2:30 P.M. . . . Helen J. Sioussat, CBS assistant director of talks, will receive the Certificate of Merit from the National Federation of Press Women at its convention in Kansas City tomorrow for her peace advocacy. . . . L. Wolfe Gilbert, who wrote the songs for "My Son, My Son!" will be guest on "What's My Name" over NBC-Red tonight at 9:30 . . .

Propaganda and Radio

"Propaganda and the Radio" will be the subject of discussion at the sixth anniversary dinner of the Women's National Radio Committee at the Hotel Astor on May 16. Scheduled to speak are Bob Trout, CBS news analyst; Cesar Saerchinger, NBC; Wythe Williams, Mutual, and Leonard Carlton, radio editor of the Post.

Program Notes

WHN has resumed broadcasts of racing results and now brings flashes of winners every half hour from 2:30 P. M. Monday through Saturdays.

NBC Television Time Changed

(Continued from page 1)

ward to permit school children to see the shows. During the Summer, since children do not attend school, the 3 o'clock schedule will be reinstated. The evening shows will be moved to 9 P. M. from 8:30.

NBC can operate on five days only because additional days would require the employment of a double shift. Vacations will cause an additional problem this year. It was originally planned to shut down for three weeks, as had been done in England. However, F.C.C. regulations require that Class 2 stations must operate at least 10 hours weekly and it will be impossible to stop completely. Instead, NBC will reduce operations for a six-week period beginning in mid-July.

Drive-In Opens

DETROIT, April 25.—This city's second drive-in-theatre opened here. The \$75,000 outdoor theatre will accommodate 500 cars on its 11 semi-circular ramps. It is operated by Mid-West Drive-In-Theatres, Inc.

. . . WNYC will be permitted to operate until 9:30 P. M. during May because of daylight saving time, and will add a number of musical programs for the evening hours. . . . Columbia "Workshop" dramas shift to a new time on Sunday, May 5, when they move to 10:30 P. M. . . .

Gabriel Heatter, WOR commentator, first heard here over WMCA, will return to the latter station next Monday via a series of transcriptions of his WOR talks. He will be heard Mondays at 9:45 P. M. under the sponsorship of Modern Industrial Bank.

CBS has announced two new sustaining shows. Beginning Sunday, "Headlines and Bylines" will be heard over the network at 11 P. M. with news analysis by Major General George Fielding Eliot, Albert Warner and Bob Trout. On May 6, "Columbia Lecture Hall" will present a series of outstanding lecturers on Mondays and Wednesdays at 4 P. M.

New WEAFF Transmitter

WEAF will have the strongest transmitter in New York in September when the building is completed, Raymond F. Guy, NBC facilities engineer, declared yesterday. The foundation has already been completed and the brickwork is rising rapidly. The new transmitter is located at Port Washington, L. I. and will cost \$280,000 when completed.

Television at Sea

Television will receive its first sea test on May 11, when RCA will take a dummy television outfit to Bermuda to exhibit there. While on the Roosevelt, engineers will experiment to see how long the signal remains visible. Occasional reception across the Atlantic from England has raised the possibility that television is not limited to the horizon.

Seeks New Station At West Palm Beach

WASHINGTON, April 25.—Application for a construction permit for a new 780-kilocycle station at West Palm Beach, Fla., with 500 watts power night, 1,000 watts day, has been filed with the Federal Communications Commission by the Atlantic Broadcasting Corp.

An amended application, asking for a frequency of 920 kilocycles and power of 500 watts night, 1,000 watts day, instead of 880 kilocycles and 250 watts, was filed by the Seaboard Broadcasting Corp., seeking a permit for construction of a new station at Tampa, Fla.

The commission announced that on April 29 it would hear the application of the West Virginia Newspaper Publishing Co. for a new 1,200-kilocycle, 250-watt station at Morgantown, W. Va.

Weigh Plea for House

PAWTUCKET, R. I., April 25.—The Zoning Board of Review here has taken under advisement the application of Fairlawn Enterprises, Inc., to erect a 950-seat house on the site of the present Fairlawn Skating Gardens.

Theatre, Personnel Notes

Open in Massachusetts

CLINTON, Mass., April 25.—Warners have opened the Globe as a subsequent run; full-week house, after extensive modernization. The house has been dark since its acquisition by Warners in 1930.

Doniger Takes Newark House

IRVING DONIGER, operator of the Liberty, Newark, and the Park Plaza, Linden, has closed a new long-term leasing deal for the Newark house. Berk & Krungold represented the owner, F. & R. Amusement Corp.

Mercy Plans Theatre

SEATTLE, April 25.—Construction of his 16th theatre in the eastern Washington territory will be begun in May by Fred Mercy, Sr., at Pasco. The house is planned to seat approximately 1,000 persons, and will cost \$75,000.

House to Fox Midwest

KANSAS CITY, April 25.—Fox Midwest Theatres, Inc., has taken over Joe Lenski's Cozy at Pittsburg, Kan. Lenski retains the Cozy at Girard, Kan., which is managed by his nephew, Walter Pannock.

Loew Assistants Transferred

NEW HAVEN, April 25.—Nestor Auth, Loew-Bijou assistant here, has been moved to Loew's Akron, in Akron, O. Salvatore Demano, formerly at the Bijou, and moved last year to the State, Boston, returns to the New Haven house as assistant.

Plans Pawtucket House

PAWTUCKET, R. I., April 25.—Plans for the new Slater, neighborhood house being erected by William A. Pinault, local druggist, have been virtually completed. Construction work will start in May and the house will be ready for opening Sept. 1.

Siftons Purchase

Canadian Stations

MONTREAL, April 25.—Sale of the complete radio division of James Richardson and Sons, grain dealers, has been made to the newly formed Trans-Canada Communications, Ltd. The deal involves CJRC, Winnipeg; CJRM, Regina, and two short-wave stations, CJRO and CJRX, Winnipeg.

The deal is one of the largest in the history of Canadian radio. Directors and chief stockholders of the new firm are Victor and Clifford Sifton, newspaper owners, under the name of the Armadale Corp., of which Clifford Sifton is president. The purchase of CJRC and CJRM gives the Siftons three stations in the West, plus two short-wave units. They already own CKCK, Regina.

No changes in personnel are planned. Victor F. Nielsen, recently appointed general manager of the division and formerly manager of CFCF, Montreal, will continue in his post.

'Girl Friday' Pulls \$14,500 In Twin Cities

MINNEAPOLIS, April 25.—Brightest light in the Twin City boxoffice firmament was "His Girl Friday," which did \$9,000 at the Orpheum in Minneapolis and \$5,500 at the Paramount in Paul. Otherwise grosses were slow.

Estimated takings for the week ending April 18:

Minneapolis:

"Isle of Destiny" (RKO)
"Ma! He's Making Eyes at Me" (Univ.)
ASTER—(900) (15c-25c) 7 days. Gross: \$1,400. (Average, \$1,800)
"Virginia City" (W. B.)
CENTURY—(1,600) (25c-40c) 6 days, 2nd week. Gross: \$3,000. (Average, \$4,000)
"In Old Missouri" (Rep.)
"Abused Confidence" (Foreign)
ESQUIRE—(290) (25c-40c) "Missouri," three; "Confidence," two. Gross: \$400. (Average, \$1,000)
"Man From Dakota" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: \$2,800. (Average, \$2,500)
"I Take This Woman" (M-G-M)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$5,000. (Average, \$5,500)
"His Girl Friday" (Col.)
STATE—(2,300) (25c-40c) 7 days. Gross: \$9,000. (Average, \$5,500)
"Of Mice and Men" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: \$2,500. (Average, \$1,600)

St. Paul:

"I Take This Woman" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: \$3,200. (Average, \$4,000)
"His Girl Friday" (Col.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$5,500. (Average, \$4,500)
"Swiss Family Robinson" (RKO)
RIVIERA—(1,000) (25c) 7 days. Gross: \$1,800. (Average, \$1,800)
"The Showdown" (Para.)
"Charlie Chan in Panama" (20th-Fox)
TOWER—(1,000) (25c) 7 days. Gross: \$1,900. (Average, \$1,800)
"Sidelwalks of London" (Para.)
"The Mad Empress" (W. B.)
WORLD—(400) (25c) "London," 5 days, 2nd week. "Empress," 2 days. Gross: 600. (Average, \$1,000)

'Singapore' Hits \$13,000, Denver High

DENVER, April 25.—"The Road to Singapore" packed the Denham repeatedly and drew \$13,000.

Estimated takings for the week ending April 24:

"Rebecca" (U. A.)
"Viva Cisco Kid" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$4,500. (Average, \$3,500)
"Young Tom Edison" (M-G-M)
"Marines Fly High" (RKO)
BROADWAY—(1,040) (25c-35c-40c) 7 days, 2nd week. Gross: \$3,000. (Average, \$2,500)
"The Road to Singapore" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: \$13,000. (Average, \$6,000)
"It's a Date" (Univ.)
"Young As You Feel" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$9,500. (Average, \$8,000)
"Primrose Path" (RKO)
"Ghost Comes Home" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$3,000)
"House of Seven Gables" (Univ.)
"Black Friday" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,000. (Average, \$3,500)
"Too Many Husbands" (Col.)
"Zanzibar" (Univ.)
RIALTO—(878) (25c-40c) 7 days, "Too Many Husbands" 3rd week. Gross: \$2,000. (Average, \$1,750)

Critics' Quotes . . .

"TIL WE MEET AGAIN" (Warners)

The psychology of the unhappy ending has seldom been used to better advantage . . . a very sad remake of "One Way Passage" . . . may still very well strike many persons as, if not "quite" satisfactory at any rate as fairly satisfactory entertainment.—B. S. Crisler, New York Times.

Still a compelling love story. The highly romantic flavor of the original production has been carefully preserved.—Kate Cameron, New York Daily News.

A handsome remake of "One Way Passage" . . . it is an excellent copy of the romantic tragedy which was a considerable success some eight years ago.—Howard Barnes, New York Herald Tribune.

A touching and beautiful piece of business . . . bound to have great emotional appeal for female audiences.—Lee Mortimer, New York Daily Mirror.

Has unusual appeal, despite, perhaps, that it cannot classify as so novel as when originally produced.—Edwin Schallert, Los Angeles Times.

A perfectly swell picture with pathos balancing exciting melodrama.—Louella O. Parsons, Los Angeles Examiner.

"THE BISCUIT EATER" (Paramount)

Nearly everybody will enjoy the performances of the biscuit eater (Promise), the colored boy (Cordell Hickman), the white boy (Billy Lee) and the field trials filmed in Albany, Ga.—Time.

"JOHNNY APOLLO" (20th Century-Fox)

An unpredictable father and son-crook movie. You never know what's going to happen next. . . . Nice direction. Credible dialogue.—Chicago Daily Tribune.

A film that is brittle with realism, startling with thrills and romantically intriguing . . . a thrilling melodrama from start to finish.—Jimmy Starr, Los Angeles Herald and Express.

An exciting enough movie . . . Well above the level of the crook melodrama.—Edwin Schallert, Los Angeles Times.

One of those melodramas that swell the box-office receipts . . . the sort of entertainment that Mr. and Mrs. John Public like.—Louella O. Parsons, Los Angeles Examiner.

A number of deft character and comedy touches almost make up for the faults of this synthetic investigation of the underworld and a father-son relationship.—Newsweek.

Expect 250 at RKO Sales Meeting Here

Approximately 250 persons will attend the RKO annual sales meeting at the Waldorf-Astoria here, May 27 to 30, according to A. A. Schubart, chairman of the convention's committee on travel.

The attendance list will include home office executives and traveling representatives, 38 exchange heads, salesmen and other members of branch office staffs. Arrangements have been made for a special train from Chicago, May 25, for Western delegates who will converge on that city en route to New York.

Terry-toons Staff Increased by 50%

The studio staff of Terry-toons, Inc., has been augmented more than 50 per cent during the last two years. The cartoon company is now entering its third season as an affiliate of 20th Century-Fox.

Terry-toons has more than doubled its studio space in New Rochelle in that time. The cost of each short subject produced has been increased by more than 50 per cent, according to the studio.

TMAT Plea Withdrawn

A request filed by the Motion Picture Division of the Theatrical Managers, Agents and Treasurers Union with the New York State Labor Relations Board for a collective bargaining agency election on the Raybond circuit has been withdrawn, it was learned yesterday. The original petition was filed on March 27, 1939.


22 Novels, 9 Plays In 20th-Fox Lineup

HOLLYWOOD, April 25.—An analysis of the stories of the 52 features planned by 20th Century-Fox for 1940-'41 indicates that 27 different countries are included in the locales, taking in every continent. The lineup includes 22 novels, nine stage plays, nine unpublished stories and 12 originals.

ROSALIND RUSSELL, and not OLIVIA DE HAVILLAND, will co-star with JAMES STEWART in Warners' "No Time for Comedy." . . . ERROL FLYNN's next picture at Warners will be "Santa Fe Trail," new title for "Santa Fe." MICHAEL CURTIZ will direct. . . . LESTER COWAN, Columbia producer, is seeking ROBERT DONAT for "And Now Goodbye," JAMES HILTON's story. If the deal is made, the filming will be done in England, war conditions permitting. . . . BRENDA MARSHALL and WILLIAM LUNDIGAN are set for "The Sentence" and GALE PAGE in "They Drive By Night," Warners.

Philadelphia Unit Seeks Adjustments

PHILADELPHIA, April 25.—Board of governors of the United M.P. T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware today appointed a grievance committee which will seek adjustments of 20th Century-Fox contracts. The meeting criticized the company for "unfair designation of films."



Grandpa GOES TO TOWN

A HIGGINS FAMILY PICTURE

JAMES LUCILE RUSSELL

GLEASON

HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS

A REPUBLIC PICTURE

"Come on!
They've found
gold in the hills,
just outside of town.
It's worth ten thou-
sand dollars
a ton!"

MORE THAN SPECIAL ABILITY

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Film and
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Brief,
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and
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to the Motion
Picture
Industry

OL. 47. NO. 84 NEW YORK, U.S.A., MONDAY, APRIL 29, 1940 TEN CENTS

Warners Bid Congressmen To Sales Meet

*Washington Convention
Will Be June 10-12*

Members of Congress will be invited to sit in at Warners annual sales convention, which will be held in Washington, at the Shoreham Hotel, June 10, 11 and 12, the company disclosed over the weekend.

The convention will be an international one with Warners foreign managers and representatives in attendance in addition to the entire domestic sales organization. Home office and studio executives, Warners stars and players and about 40 prominent exhibitors also will attend the meeting and many of them will address the convention sessions. The total attendance is expected to be about 500. Trade paper representatives will go to Washington as the guests of Warners.

Grandwell L. Sears, Warners general sales manager, said the selection of the capital as the convention city was prompted "by the desire to acquaint the nation's representatives

(Continued on page 5)

Branch Managers To Para. Meeting

District and branch managers and members of the Paramount sales organization's One Hundred Per Cent Club will attend the company's sales meeting, to be held at the Ambassador Hotel, Los Angeles, May 24, 25 and 26.

Neil F. Agnew, vice-president in charge of distribution, will preside at the meeting. Barney Balaban, president, and other home office and studio executives will address the meetings.

The company's new season production schedule, to be announced at the meetings, will consist of about 48 features, or approximately 10 fewer than Paramount customarily releases.

K-A-O Quarter Net Profit Is \$312,452

Keith-Albee-Orpheum has reported net profit after all charges of \$312,452 for the 13 weeks ended March 30. This compares with net profit of \$327,186 for the corresponding period last year.

Profit for the quarter is equivalent to \$4.86 per share on the 64,304

(Continued on page 5)

Exhibitor Admits To Only 'General' Data on Policy

Anthony Bannon, named by the Government as a witness to theatre conditions in Newark, admitted Friday that his knowledge of distribution policies in that city since 1933 was "general." The witness, questioned by attorneys for the majors in connection with the Government anti-trust suit, stated that he had no detailed information on the Newark situation since he had severed his connections there in 1933.

Questioning also disclosed that Bannon was "99 per cent certain" that he had at no time discussed his grievances with Government men. He added that he had communicated with Sidney Samuelson, former president of Allied Theatre Owners of New Jersey, in an effort to obtain better licensing terms for his Court Theatre.

Bannon, who testified that he and a partner had leased the Court in 1926,

(Continued on page 5)

A.G.V.A., Circuits Parley Collapses

Negotiations between the American Guild of Variety Artists and major circuits on contracts for stage show talent have broken down, it was learned over the weekend. The A.G.V.A. international board will meet today to determine the union's future course of action. A dispute over the five per cent booking fee was said

(Continued on page 6)

SELLING POLICIES REMAIN UNCHANGED

Schaefer Testifies In U. S. Suit Today

George J. Schaefer, president of RKO, will appear today in pre-trial examinations in the Government's "key" anti-trust suit. Herman Wober, distribution head of 20th Century-Fox, will follow as a witness tomorrow.

Paramount in 1939 Earned \$2,737,533

Paramount's consolidated earnings for 1939 amounted to \$2,737,533, after all charges, but without including \$1,117,000 representing the company's net interest as a stockholder in undistributed earnings of partially owned companies, and exclusive of a profit of \$20,411 on the purchase of the company's debentures, according to the annual report issued over the weekend.

The combined result aggregates \$3,874,944, which compares with a combined total of \$4,105,675 for 1938, of which \$2,533,278 was consolidated earnings and the balance equity in undistributed earnings and profit on purchase of debentures.

Cash on hand decreased from \$13,-

(Continued on page 5)

Most Companies to Hold Sales Conventions Prior to Trial

By SHERWIN A. KANE

Sales policies of major companies in 1940-41 will follow along customary lines. No changes involving policies or trade practices are contemplated for inclusion in new season license agreements.

This fact has become apparent after many weeks of negotiations between company representatives and Washington officials on an out-of-court settlement of the Government's New York anti-trust suit, a settlement which might well have established a new order of film sales in the industry.

Facing this possibility of the establishment of a completely new selling procedure, major company sales executives for the most part withheld their plans for annual sales conventions until well past the usual time. With the collapse of the consent decree discussions, sales managers realized immediately that there would be no upheaval in selling procedure this year and set about immediately to plan their sales meetings.

Most companies will hold their annual conventions next month in order

(Continued on page 5)

Broadway Plays Cut Price To Attract Fair's Visitors

Legitimate theatres, which were disappointed in the business from out-of-towners during last year's New York World's Fair, are once more turning their attention to attracting the patronage of visitors this Summer.

Although managers generally hold little hope for any major upswing in business as a result of the Fair, the general tendency has been to reconsider price levels to attract those who are accustomed to lower scales for legitimate productions in their home cities.

Price cutting has started earlier this year, with six productions now operating at reduced scales, despite the fact that the Fair will not open for another fortnight. Last year, there were only two and the Fair

opened on April 30. With only 23 productions now on view along Broadway, the six shows operating at cut rates constitute more than 25 per cent of the total. Two new additions to the Broadway list are definitely scheduled for this week, "There Shall Be No Night," which opens at the Alvin tonight, and "Out From Under," at the Biltmore on Wednesday. Both new shows will open at the regular scale.

At the same time last year there were 31 shows on view, of which three were W.P.A. productions. Because of last year's experience, managers are somewhat wary about aiding the Fair's exploitation plans at present. Several attempts to obtain co-operation have been rejected, and this sentiment probably will continue.

Holman, Murray Succeed Diamond

Russell Holman, Paramount Eastern production head, was elected president of Paramount Music Corp. and Famous Music Co., subsidiaries of Paramount Pictures, on Friday. He fills the vacancy caused by the death of Lou Diamond.

Richard F. Murray, former assistant to Diamond, was elected vice-president and treasurer of the two

(Continued on page 6)

Ostrer Seeking to Sell Baird Rights

Isidore Ostrer is negotiating for the disposition here of American rights to Baird large screen television, it was reported over the weekend.

RCA asserted that negotiations had been held with Ostrer but that they had terminated unsuccessfully. Allen B. DuMont Laboratories reported

(Continued on page 6)

Film Service Funds Refused by Senate

WASHINGTON, April 28.—Adopting the view previously taken by the House of Representatives that a halt should be called to the provision of funds for agencies not established by Congress, the Senate on Friday, by a vote of 24 to 36, refused to restore funds to the Federal Security Agency appropriation bill for continued operation of the United States Film Service after June 30, next. A fund of \$106,400 had been asked for the service.

An effort to restore the fund to the bill was led by Senator Thomas of Oklahoma, who insisted that abolition of the film agency would result in "nationwide protest," but Senator McKellar of Tennessee urged the Senate not to appropriate funds for unauthorized activities.

Senator Ashurst of Arizona, renewing his attack on Secretary Ickes' order imposing fees for the shooting of films on the public domain, submitted an amendment prohibiting the imposition of any fees for the making of pictures on lands under the administration of the Interior Department other than the national parks and Indian lands, which was adopted without a formal vote.

Republic Plans 3 Meetings in June

Republic plans three regional sales meetings in June, the first to be held the first week in June in New York, and the others following in Chicago and either Denver or San Francisco. Franchise holders, branch managers and others will attend. James R. Grainger, Republic president, is working on the plans.

Grainger will leave about May 10 for a three-week trip to exchanges, returning here just before the New York meeting. H. J. Yates, president of Consolidated Film Industries, plans to go to the Coast in mid-May to check on Republic production.

Ohio Theatres Now Returning to Normal

CINCINNATI, April 28.—Theatres in Ohio towns, which were forced to close or operate on limited schedules because of the floods, are reopening. Particularly affected were the houses in Marietta and Pomeroy. The Ohio River and its tributaries are now receding, allowing normal business activity in many business areas which had been flooded.

Ardrey Wins Award

The first annual Sidney Howard Memorial Award of \$1,500, established by the Playwrights Company, will be presented to Robert Ardrey, RKO scenarist. Maxwell Anderson, Robert E. Sherwood, S. N. Behrman and Elmer Rice, director of the company, adjudged Ardrey "the young American playwright whose work shows the greatest promise."

McLaglen Cast in 'Cristo'

HOLLYWOOD, April 28.—Universal has signed Victor McLaglen for the lead in "A Modern Monte Cristo," original screenplay by Edmund L. Hartmann and Stanley Rubin. Margaret Lindsay will play opposite him.

◀ Purely Personal ▶

WILLIAM C. GEHRING, 20th Century-Fox Central division manager, returned Saturday after product negotiations with Tri-States Theatres in Des Moines.

E. J. MANNIX, M-G-M studio manager, and IRVING ASHER, production executive, left the Coast Saturday, en route to England for a production survey.

WILLIAM J. KUPPER, Western division manager for 20th Century-Fox, has returned from Dallas where he conferred with the Robb & Rowley circuit.

CHARLES C. MOSKOWITZ, vice-president of Loew's, is expected back today from a Miami vacation.

STANLEY HAND, Altec staff representative, has returned from a month's trip around the country.

DENNIS F. O'BRIEN, United Artists counsel, will return from a business trip to Boston today.

AL MARGOLIES, United Artists publicity manager, will return from Chicago today.

ROBERT NORRIS of the 20th Century-Fox office in Indianapolis is the father of a boy.

AL LICHTMAN, vice-president of M-G-M, left Friday night for the Coast.

HERB OCHS of Cleveland was a weekend visitor here.

HAL HORNE, vice-president of Walt Disney Productions, and RICHARD CONDON, publicity director, return tomorrow from a brief vacation in Havana.

MIRIAM GIBSON has resigned from the publicity department of Monogram to become publicity director of Shulton, Inc., cosmetic company.

J. L. SAWYER, supervisor of projection and sound for the Buffalo Theatres, Inc., was a visitor at the RCA Photophone plant in Camden.

GEORGE CAMPBELL, assistant booker at the Paramount exchange in Des Moines, is in a local hospital recovering from appendicitis.

MANNY THACKER has resigned his post in the 20th Century-Fox cashier's department in Indianapolis.

EDWARD M. FAY, Providence exhibitor, and MRS. FAY have returned from a vacation in Atlantic City.

CARL ERNEST, former owner of the Harris-Avoca Theatre, Avoca, Ia., is visiting his parents in Omaha.

J. C. DEWALL, RKO auditor, is spending several weeks at the company's branch in Des Moines.

OLLIE REESE, cashier at RKO's Des Moines office, has returned to work after an illness.

JAMES A. FITZPATRICK left over the weekend for the Coast.

JOHN J. FRIEDL returned to Minneapolis over the weekend.

Schaefer, Depinet Going to Louisville

George J. Schaefer, president of RKO; Ned E. Depinet, vice-president, and S. Barret McCormick, advertising and publicity director, will attend the world premiere of "My Favorite Wife," at the Rialto in Louisville next Saturday, the day of the Kentucky Derby.

Irene Dunne, the film's star, will be greeted at a celebration in the city by Governor Johnson of Kentucky. Going to the premiere from the Coast with Miss Dunne will be: Randolph Scott, Leo McCarey, the producer, and Garson Kanin, director. Sam and Bella Spewack, authors of the screenplay, will accompany the RKO executives from here.

Harrison, Retiring, To Get Loop Dinner

CHICAGO, April 28.—Tippy Harrison, member of board of directors of Allied Theatres of Illinois and associated with the Goodman-Harrison Theatres for many years, is retiring from the theatre business to enter another line of work.

A testimonial dinner will be given for Harrison by his friends on May 9, in the Florentine Room of the Congress Hotel. Jack Kirsch, president of Allied Theatres of Illinois, is in charge of the affair.

Two New Suits Filed Against Interstate

DALLAS, April 28.—Patrick Russell, local attorney, has filed two more anti-trust suits against the Interstate Circuit. He had filed two others within the past week.

The new actions are on behalf of Sam Kirscheimer, operating the North Side, Houston, who seeks \$30,000, and R. Z. Glass, operating the Knox, Fair and Lawn here, who asks \$68,000.

Talley Will Leave On Clipper May 7

Truman H. Talley, producer of Movietone News, has made reservations on the *Clipper* to Europe for May 7. He will supervise the newsreel's coverage of the war. Conferences looking to the preparation of plans for large-scale coverage by cameramen were held last week in London by Russell Muth, European news director, and his assistant, Arthur De Titta. War coverage is said to be costing Movietone News approximately \$27,000 a week.

'Our Town' Premiere In Boston May 23

World premiere of Sol Lesser's "Our Town" has been set by United Artists for May 23 in Boston, with a simultaneous opening at Loew's State and Orpheum theatres. A delegation from New York will attend.

Cantor Notes Value Of Star Appearance

New Haven, April 28.—Personal appearances of film stars are of enormous value in selling pictures, in the opinion of Eddie Cantor, here for appearances at the Loew-Poli, in conjunction with his M-G-M film, "Forty Little Mothers."

Appearances have "immeasurable reverberations" for some time and in the whole surrounding territory, he said.

Night Baseball to Start in N. Y. Cities

ALBANY, April 28.—Baseball, April to September competitor of exhibitors, will swing into its night phase in three New York cities by the middle of May. Albany, Elmira and Binghamton, all members of the Eastern League, will begin night games at that time.

New invasion of lights into Amsterdam and Gloversville is scheduled. In Gloversville, home of the Schine Circuit, the move is to be financed by public subscription. Utica installed lights and drew heavily at night last year, while similar action is to be taken in Ogdensburg and Oneonta, two more Schine circuit cities. In Rome, too, the move is contemplated. All of these cities belong to the Canadian-American League.

Buffalo, Rochester and Syracuse of the International loop, do not intend to start night games until late in May.

Zanuck Buys 4 Stories

HOLLYWOOD, April 28.—Darryl Zanuck, 20th Century-Fox vice-president, has bought four stories: "Chad Hanna," by Walter D. Edmonds; "Rogue Male," by Geoffrey Household; "Heil Jenny," by Jane Eberle, and "Lucky Baldwin." The latter will be adapted by Frank S. Nugent, former *New York Times* critic, as his first assignment.

Lauder Film Booked

"The Song of the Road," starring Harry Lauder, will open at the Little Carnegie Playhouse on Saturday. It is Lauder's first talking film. Joseph Plunkett is releasing the film in the United States.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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**WHAT
COULD
BE
MORE
TIMELY?**



Excitingly Together!



VIVIEN
LEIGH

the Scarlett
O'Hara of
"Gone With
The Wind"



LAURENCE
OLIVIER

the star of
"Rebecca"
and "Wuther-
ing Heights"

and **LESLIE BANKS** in

21 DAYS TOGETHER



with **FRANCIS SULLIVAN**
HAY PETRIE • ESME PERCY • ROBERT NEWTON
Based on a story by John Galsworthy • Directed by **BASIL DEAN**
A COLUMBIA PICTURE

Paramount in 1939 Earned \$2,737,533

(Continued from page 1)

314,024 at the end of 1938 to \$10,492,522 at the end of 1939. Current assets decreased from \$37,910,519 to \$34,651,714 during the year. The total 1939 inventory amounted to \$19,887,129. Total current assets were \$34,651,714 and current liabilities \$8,816,135, leaving net working capital of \$25,835,579.

During 1939, the interest bearing indebtedness of Paramount and consolidated subsidiaries was reduced by a total of approximately \$5,000,000. All of the company's six per cent debentures amounting to \$9,689,576 principal amount were retired during the year by means of 3½ per cent bank loans.

Income for the year amounted to \$99,610,950, compared with \$104,360,380 during 1938. In contrast to this decrease in income, Paramount's expenses last year were reduced to \$90,971,179 from \$95,853,870 in 1938.

In a letter to stockholders accompanying the report, Barney Balaban, president, states that "while business in foreign currencies has been restored to a reasonably normal basis (since the outbreak of the war) the drop in foreign exchange has had the effect of reducing the dollar equivalent of such business."

Balaban states that the company's investment in foreign subsidiaries, other than Canada, aggregate \$7,100,000, of which \$5,000,000 is in England.

His letter concludes: "The added burden placed upon the company through the violent upheavals incident to the war, and created by the litigation instituted by the Government against the industry requires more than the usual acknowledgement and expression of appreciation to every member of the Paramount organization for their constant and continued loyal support and cooperation."

Exhibitor Admits Data Only 'General'

(Continued from page 1)

declared: "When we bought the theatre, we knew we had to follow the Savoy Theatre." This concession was made after testimony had indicated that the witness' primary problem had been a 14-day clearance that the Savoy had over his house.

Further testimony revealed that the Savoy, while owned by an independent, had received clearance over the Court and that the same policy was maintained after Warners purchased the Savoy. The Court had 800 seats and the Savoy 1,600, Bannon said, and his theatre was five years older.

The witness stated that he now participates in the operation of the Howard in Howard Beach, Long Island.

William P. Farnsworth again represented the Government, while the defense attorneys present were: Granville Whittlesey and William Zimmermann for RKO, Louis Phillips for Paramount, and Tyree Dillard for Loew's. Howard Lesser, independent exhibitor of Paterson, N. J., the last witness to be subpoenaed by the majors, will testify Wednesday.

Dual Bill Victim

Louisville, Ky., April 28.—Victim of the double feature here was nine-year-old Amber Moody, who found himself locked in the Towers Theatre shortly after midnight. He had fallen asleep "about the middle of the second feature," he estimated.

"My eyes were hurting," Amber explained to police who directed him to a side exit with a night lock, "so I just pulled my jacket over my head and that's all I knew until I woke up."

Drop Para. Claim

Claim of the National Rockland Bank of Boston and Harold G. Storke, trustees, against Paramount Publix for \$667,287 was ordered expunged Friday by Federal Judge Alfred C. Coxe. The order confirmed a report of Referee John E. Joyce which stated that the claim, based on a debenture issue of G. B. Theatres, Inc., had been discharged by Olympia Theatres, Inc.

Warners Bid Congressmen To Washington Convention

(Continued from page 1)

with the executive and business machinery of the motion picture industry as represented at this annual meeting."

Senate and House hearings on the Neely affiliated theatre divorce bill and the anti-block booking bill, scheduled to start May 16 and May 13, respectively, may still be under way at the time of the convention, despite the current plans for an adjournment of Congress early in June. The Government anti-trust trial is scheduled to start June 3 in New York.

Executives who will attend the meeting, which will be presided over by Sears, include Harry M. Warner, vice-president in charge of production; Major Albert Warner, Hal B. Wallis, executive producer; Joseph Bernhard, vice-president and general manager of Warner Bros. Theatres; S. Charles Einfeld, director of advertising and publicity; Carl Leserman, assistant general sales manager; Mort Blumenstock, in charge of advertising and publicity in the East; Roy Haines, Eastern and Canadian sales manager; Ben Kalmenson, Western and Southern sales manager, and Norman H. Moray, short subjects sales manager.

A Hollywood delegation will be headed by Errol Flynn, Bette Davis, James Cagney, Ann Sheridan, Edward G. Robinson and Paul Muni.

Led by Joseph Hummel, in charge of foreign sales, attending the convention will be a representation of the company's operations abroad. Those attending will be Karl MacDonald, South American district manager; Peter Colli, supervisor for Central and Latin America; Harry Novak, supervisor for the Argentine, Chile and Uruguay; Robert Schless, managing director for Europe; A. Saltiel, Continental European manager; H. S. Dunn, Far East supervisor; and Ralph Clark, supervisor for Australia and New Zealand.

District and branch managers at the

Some Remittances Due from Sweden

The Film Board of Trade at Stockholm has effected arrangements with the Swedish Government for limited remittances to home offices here, foreign department officials learned over the weekend.

The negotiations were in progress for several weeks past with the aim of averting a complete shut-off of remittances, such as was believed inevitable last week. The agreement is believed to be on a week-to-week basis only and limits remittances to amounts actually owed to the distribution companies here. In other words, the remittances cannot exceed debts to New York shown on the books of the Stockholm offices, and no amounts can be remitted which would be credited here to Stockholm.

Frank Perry Coming East

HOLLYWOOD, April 28.—Frank Perry, vice-president of Bronston Productions, left yesterday for New York to wind up his personal affairs before settling here.

Sales Policies Remain Same Next Season

(Continued from page 1)

to have them out of the way by June 3, when the Government suit is scheduled to go to trial. Even though the trial is concluded this year it will have no effect on sales policies since, regardless of the outcome in the U. S. District court, it will be appealed by the losing side to the higher courts. In this respect there is little reason to believe that the final decision in the case will have come from the U. S. Supreme Court in time even to affect sales policies for the 1941-'42 season.

The rush to set sales meeting dates following the rejection of the consent decree proposals, and before the June 3 trial starts, will give the industry at least five major company sales conventions during May. These will be Paramount, Universal, United Artists, RKO and M-G-M. The first four already have designated their convention dates and William F. Rodgers, M-G-M general sales manager, may complete his arrangements today.

Rodgers will leave for the Coast tonight for final product conferences at the studio and may hold the first of the regional meetings which he plans on the Coast prior to his return here.

The Warner convention is set for early June, as is Republic's. Columbia has set no date yet and the 20th Century-Fox and Monogram meetings were held this month.

Fox Theatres Plan Confirmed by Court

N. Y. Supreme Court Justice Aaron J. Levy on Friday confirmed an accounting and a 1940 plan of operation filed by Milton C. Weisman and Kenneth P. Steinreich, as trustees of Fox Theatres Corp. The accounting, covering the period from March 17 to Dec. 31, 1939, disclosed that the company had cash assets of \$168,278, of which \$80,750 consisted of a reserve for a claim of William Fox.

Under the proposed plan of operation, Fox Theatres at the end of 1940 will have cash assets of \$121,259 exclusive of all reserves, the trustees' report stated. The trustees pointed out that the company had netted eight per cent for 1939.

The order allowed Weisman and Steinreich \$2,500 each for services up to January, 1940, and awarded their attorneys, Hirsion & Bertini, \$3,000.

K-A-O Quartet Net Profit Is \$312,452

(Continued from page 1)

shares of seven per cent preferred stock, compared with \$5.09 per share on the same number of shares for the 1939 quarter.

B. F. Keith Corp. has reported net profit after all charges of \$209,455 for the first quarter of 1940, compared with net profit of \$218,364 for the corresponding quarter last year.

convention will be:

Ed Schnitzer, Eastern district manager with headquarters in New York, and branch managers: Paul Krumenacker, Albany; N. J. Ayers, Boston; Charles Rich, Buffalo; R. J. Mahan, New Haven; Sam Leikowitz, New York-Metropolitan.

R. Smeltzer, central district manager with headquarters in Washington, and branch managers: Ralph Kinsler, Cincinnati; T. L. Mendelsohn, Cleveland; F. E. North, Detroit; W. G. Mansell, Philadelphia; Harry Seed, Pittsburgh; F. W. Beiersdorf, Washington, D. C.

Rud Lorenz, midwest district manager with headquarters in Chicago and branch managers: T. R. Gilliam, Chicago; Fred Greenberg, Indianapolis; R. T. Smith, Milwaukee; C. K. Olson, Minneapolis.

James Winn, prairie district manager, with headquarters in Kansas City, and branch managers: A. W. Anderson, Des Moines; W. O. Williamson, Jr., Kansas City, Mo.; Homer Hisey, Memphis; Sid Rose, Omaha; Hall Walsh, St. Louis.

Fred Jack, southern district manager with headquarters in Dallas, and branch managers: R. L. McCoy, Atlanta; John A. Bachman, Charlotte; Doak Roberts, Dallas; Luke Conner, New Orleans; J. O. Rohde, Oklahoma City.

Henry Herbel, west coast district manager, with headquarters in Los Angeles, and branch managers: E. A. Bell, Denver; W. E. Callaway, Los Angeles; V. Stewart, Portland; W. F. Gordon, Salt Lake City; Al Shmitken, San Francisco; William Shattin, Seattle.

Wolfe Cohen, Canadian district manager with headquarters in Toronto and branch managers: Sam Pearlman, Calgary; Philip Sherman, Montreal; L. McKenzie, St. John; Joseph Plottel, Toronto; I. Coval, Vancouver; Lou Geller, Winnipeg.

Zone managers of the Warner Theatres attending will be: James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacobs, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington; and Herbert Copelan, Atlantic City.

Home office theatre executives will include: Clayton Bond, Ed Hinchy, Leonard Schlesinger, Harry Goldberg, Frank Phelps, Nat Fellman, Abel Vi-gard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Hernan Maier and Frank Cahill.

Also attending from the home office will be: Jacob Wilk, Story Editor; A. W. Schwalberg, Supervisor of Exchanges; Arthur Sachson, I. F. Dolid, Stanley Hatch and H. M. Doherty.

'Russell' to Have 4-House Premiere

Preparations have been completed for the dual four-house world premiere of the 20th Century-Fox film, "Lillian Russell," at the Alvin and Senator in Pittsburgh and the Capitol and Palace in Clinton, Ia., on May 15. Miss Russell was born in Clinton, and lived the latter part of her life in Pittsburgh.

A three-day celebration is planned for Clinton, with Gov. George A. Wilson of Iowa scheduled to attend the opening with other state officials. The two Clinton houses are operated by Central States, and those in Pittsburgh by the Harris Circuit. Reserved seats at \$1.10 will be the premiere policy at all four houses. The film will continue at the Capitol, Clinton, for a week.

Daily and trade paper representatives from the East will be guests at the Pittsburgh opening, and mid-western correspondents at the Clinton party. Don Ameche, Lynn Bari and Cesar Romero will head a group of studio players at Clinton, and Alice Faye and Edward Arnold will go to Pittsburgh.

In Clinton, where arrangements were made by Earl Wingart of the home office and Lionel Wasson of Central States, the celebration will include civic luncheons, a parade, a ball at the Auditorium and a "most beautiful blonde contest." The two-day Pittsburgh party, arranged by Rodney Bush and C. W. Wilbert of the home office, will include a party at the quarters of the Variety Club and an elaborate dinner.

Ostrer Seeking to Sell Baird Rights

(Continued from page 1)

that it has not been a party to negotiations for Baird licensing.

The negotiations now current are reported to have been complicated by the claim of Farnsworth Radio & Television Corp. that its licensing agreement with Baird prohibits the latter from entering this market with its large screen equipment. Baird denies this contention.

It is further reported that if Ostrer is successful in consummating a large screen licensing deal here, Gaumont British will liquidate its remaining activities here.

Ostrer could not be reached for comment on the reports over the weekend.

Holman, Murray Succeed Diamond

(Continued from page 1)

Paramount music companies and, in addition, will handle the duties in connection with Paramount short subject production and distribution formerly handled by Diamond. As head of Eastern production, Holman has supervised the short subject department in the past, in addition to his other duties.

Norman Collyer was elected secretary of the music companies and Sidney Kornheiser was named general manager.

Murray will represent the companies in Ascap and the Music Publishers Association. Kornheiser, a veteran in the music publishing field, will direct operations of the companies.

Short Subject Reviews

"Information Please, No. 9"

(RKO Pathe)

With Elmer Davis as the guest expert, and Oscar Levant, Franklin P. Adams and John Kieran again in their usual spots, this number of the "Information Please" film series is as entertaining and interesting as any of its predecessors. Levant provides more than one moment of amusement with his ready retorts. Running time, 11 mins.

"Air Army"

(RKO Pathe)

One of the Reelism subjects, this thrill-packed short pictures the training, building and activity in the air of the United States Army Air Force. With most of the footage taken in the sky, picturing big bombers, fighters, and small, fast pursuit ships, it is a flag-waving film, which at the same time contains much of exploitable interest. Running time, 9 mins.

"Me Feelins Is Hurt"

(Paramount)

This Max Fleischer "Popeye" cartoon hits the series average. When Popeye learns that his "goil" has gone west to a ranch, he pursues her. Between Pluto and bronco he has a tough time, but the spinach turns the trick. Running time, 7 mins.

"Have You Met Yvette?"

(Paramount)

The newest radio singer, from Louisiana, Yvette, specializes in a throaty voice and French accent, which are effective for those who like the type. She is accompanied by Paul Barron and his orchestra, in a musical short of casual entertainment. Running time, 10 mins.

"The Blue Streak"

(Paramount)

The enormous flocks of blue geese which each Fall sweep down from the Canadian Arctic all the way to Louisiana, then return in the Summer form the subject matter of this strikingly photographed Grantland Rice Sportlight. In Canada there are no restrictions on the Indians hunting the birds, since it is important to their food supply. Expert marksmen are pictured bagging the birds. Running time, 10 mins.

"Court Favorites"

(RKO Pathe)

Everyone interested in sports, and especially those who play tennis, or just play at it, will find much to enjoy and much that is instructive in this Sportscope subject on tennis. Seen are such champions as William Tilden, Vincent Richards, Karel Kozeluh, George Lott and Bruce Barnes, instructing and showing some fast court action. Running time, 10 mins.

Films Follow Public Desire, Says Mayer

Arthur L. Mayer, operator of the Broadway Rialto, in an article in the April 20 issue of *The Nation*, declares that the type of film produced in this country is dictated by public demand and nothing else.

He challenges the "host of unofficial, self-designated critics," who continuously demand that Hollywood produce films based on themes of special interest, with the contention that films with such themes have been conspicuous failures at the box-office. Films will change only when the public so wills it, Mayer contends.

Promote Foreign Men

Transfers and promotions in the foreign field of 20th Century-Fox become effective this week. Charles Matzen of the Rio de Janeiro branch becomes manager of the company's office in Peru, succeeding S. Chiesa. The latter has been shifted to the manager's post in Colombia. E. D. Cohen has been transferred to Venezuela, and Stanley J. Day to New York.

'Wind' Dates 2,853

M-G-M has disclosed 424 additional dates on "Gone With the Wind," bringing the total thus far in this country and Canada to 2,853 in 2,691 cities.

Giles Joins RKO

KANSAS CITY, April 28.—Robert Giles has been named head shipper at RKO here, succeeding the late Hugh Asmus, who died April 16.

Shea Takes Over Four in Zanesville

ZANESVILLE, O., April 28.—Shea Theatres Corp. has purchased the Quimby, Imperial, Liberty and Grand, formerly operated by Zanesville Theatres, Inc., of which Caldwell H. Brown, secretary and treasurer, recently died. This gives Sheas dominance of this situation. They have been operating the 1,300-seat Weller for several years.

A.G.V.A., Circuits Parley Collapses

(Continued from page 1)

to be the principal point of dissension.

On Friday, the union signed a contract with Billy Rose covering three shows, the Aquacade and the Barbary Coast restaurant at the New York World's Fair and the Aquacade at the San Francisco World's Fair. Agreement on terms was reached earlier last week. When Rose returns from the Coast, negotiations will be started on the Diamond Horseshoe club.

Manages Two Houses

CINCINNATI, April 28.—William Dodds, manager of the Imperial, neighborhood unit of the local Associated Theatres circuit, also is managing the Royal, downtown house operated by the same interests. He replaces Ray Piccolo, who was transferred to the Hiland, at nearby Ft. Thomas, Ky., formerly managed by the late Lawrence Holthous.

'Date' Holds Up to \$18,000, Los Angeles

LOS ANGELES, April 28.—"It's a Date" and "The Saint's Double Trouble" in the second week, scored \$18,800 at two houses, \$9,300 at the Hillstreet and \$9,500 at the Pantages. "Rebecca" drew \$7,000 at the 4 Star in its fourth week.

Estimated takings for the week ending April 24:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-\$1.50) 7 days. 17th week. Gross: \$11,000. (Average, \$17,000)

"My Son, My Son" (U. A.)

"Shooting High" (20th-Fox)

CHINESE—(2,500) (30c-75c) 7 days.

Gross: \$10,300. (Average, \$12,500)

"Rebecca" (U. A.)

4 STAR—(900) (40c-55c) 7 days, 4th

week. Gross: \$7,000. (Average, \$3,250)

"It's a Date" (Univ.)

"The Saint's Double Trouble" (RKO)

HILLSTREET—(2,700) (30c-65c) 7 days,

2nd week. Gross: \$9,300. (Average, \$6,500)

"My Son, My Son" (U. A.)

"Shooting High" (20th-Fox)

LOEW'S STATE—(2,500) (30c-65c) 7

days. Gross: \$12,500. (Average, \$14,000)

"It's a Date" (Univ.)

"The Saint's Double Trouble" (RKO)

PANTAGES—(3,000) (30c-65c) 7 days, 2nd

week. Gross: \$9,500. (Average, \$7,000)

"The House of the Seven Gables" (Univ.)

"Black Friday" (Univ.)

PARAMOUNT—(3,595) (30c-65c) 7 days.

Stage: F. & M. revue, Muzzy Marcellino

and his orchestra. Gross: \$12,000. (Average, \$18,000)

"Til We Meet Again" (W. B.)

WARNER BROS. (HOLLYWOOD)—

(3,000) (30c-65c) 7 days. Gross: \$8,900. (Average, \$14,000)

"Til We Meet Again" (W. B.)

WARNER BROS. (DOWNTOWN)—(3,400)

(30c-65c) 7 days. Gross: \$8,300. (Average, \$12,000)

Four New Companies Chartered in Albany

ALBANY, April 28.—Four motion picture concerns have been granted papers of incorporation here. They are:

Esperia Film Distributing Co., Inc., 100 shares, no par value, by Ferdinand and Rose Macaluso, and Samuel F. Frank, New York; Dolan and Doane, Ltd., 100 shares, no par value, by Lee Moselle, Rose Lader and Geraldine Weiss, New York; B. & S. Theatre Corp., 200 shares, no par value, by Joseph L. Hochman, Paul L. Berney and Richard Shill, New York, and Advance Enterprises, Inc., 200 shares, no par value, by Henry Nicholson, Rudolphine Schreiber and Syd Kamerman, New York.

Wins Theatre Suit

MIDDLETOWN, Conn., April 28.—Mrs. Salvatore Adorno was awarded a verdict by Judge William H. Comley of the Superior Court here which permits the operation of a 300-seat open-air theatre, completed as a larger house more than a year ago, but kept closed by charges of violation of the Building Code.

Award to Miss Lawrence

Gertrude Lawrence for her work in "Skylark" will receive the annual award for the best Broadway performance today at the annual luncheon of the Comedia Theatre Club. Clay Morgan, NBC director of public relations, will act as toastmaster. Last year, Raymond Massey won.

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Now Portland!

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THE PARAMOUNT, PORTLAND. BROKE EVERY OPENING DAY RECORD FOR LAST
FIVE YEARS. AUDIENCE RECEPTION AND COMMENTS ENTHUSIASTIC. EVERYONE
TRYING TO EXCEED EVERYONE WITH WORDS OF PRAISE. NEVER HEARD SUCH
SPONTANEOUS REACTION FROM AUDIENCE. LAUGH FOLLOWED UPON LAUGH.
THANK YOU FOR PERSONAL APPEARANCES OF CHARMING ANNA NEAGLE AND MR.
HERBERT WILCOX. THEY PROVED TO BE WITHOUT QUESTION THE TWO MOST
GRACIOUS VISITORS IN YEARS AND THEY LEAVE PORTLAND WITH A HOST OF
FRIENDS. NED YOU HAVE A PICTURE IN IRENE THAT SHOULD ESTABLISH
RECORDS EVERYWHERE. KINDEST REGARDS=
ALBERT J. FINKE

Reporting Broken Records!
Smash Success!

Shirley Temple On British Wave

Hollywood, April 28.—Arrangements are being completed for a short wave broadcast by Shirley Temple to England through the British Broadcasting Co. The broadcast, scheduled for next month, will be for the benefit of the Royal Air Force Comforts Fund. It will originate in Hollywood. This will be the second broadcast Miss Temple has ever made.

Philco to Sell Stock Now Privately Owned

PHILADELPHIA, April 28.—Philco Corp. stockholders voted on Friday to sell stock to the public. Heretofore, Philco has been privately owned. Par value of outstanding common stock will be changed from \$100 to \$3 per share and exchange on a basis of 33⅓ for one.

When the exchange has been completed, Philco will have 1,221,100 shares of common, and 28,385 shares of \$100 par value \$5 preference stock but no bonds, mortgages or funded indebtedness of any kind. It is planned to list the stock on the New York Stock Exchange, with Smith, Barney & Co. handling the offering. Philco sales last year totaled \$45,423,184. Approximately 14,000,000 radio receiving sets have been sold by Philco since 1928, it was reported.

Court Case Dropped In Milwaukee Bingo

MILWAUKEE, April 28.—Circuit Judge Charles L. Aarons has dismissed contempt of court proceedings against Mr. and Mrs. Edward Zrimsek, operators of the Bahn Frei Hall here, on their promise to permanently discontinue playing Bingo at the hall.

The court reprimanded the operators for permitting the game after a State Supreme Court ruling, which held Bingo to be a lottery. Action to force discontinuance of Bingo was brought by Charles W. Trampe, head of Film Service, Inc., and local exhibitor, through B. J. Miller, local attorney.

Non-Theatrical Unit Holds Annual Party

Annual get-together of the Allied Non-Theatrical Film Association, Inc., was held Friday night at the Piccadilly. Speakers included Bert Willoughby, president; P. F. Brandon, executive secretary, and Herbert Edwards, board member. An open forum on the general welfare of the non-theatrical film industry was a feature of the program. Entertainment was provided.

Seeks Power Increase

LOUISVILLE, April 28.—WGRC has filed application with the Federal Communications Commission to increase day power to 5,000 watts, and night power to 1,000 watts. No policy or program change was stipulated. The site of the new transmitter will be determined by survey, the application said.

RADIO BREVITIES

NO feature length films will be presented to NBC television audiences this week, with the film fare limited to a number of shorts and commercial films. Among the non-commercial films are "The Ugly Duckling," a Walt Disney cartoon to be used on the anniversary program on Wednesday; a musical short with Fred Waring and his Pennsylvanians; an episode of "The Last of the Mohicans"; and two cartoons, "Circus Capers" and "Willie, the Worm."

Personalities in the News

Jack Martin, who did the "Fashions and Music" show over WHN, left over the weekend for WOPI, Bristol, Tennessee, where he will do play-by-play baseball broadcasts. . . . Eric Sevareid, CBS Paris correspondent, became the father of twins last week. . . . Jack Benny will celebrate his eighth anniversary in radio by remaining in New York for a third week with the anniversary broadcast over NBC-Red next Sunday at 7 P. M. . . . Carol Lewis has been added to the dramatic staff at WICC, New Haven.

Unveil Large Screen Television

After considerable delay, RCA is now understood to be ready to unveil large screen television for public inspection. Earlier this year, the F.C.C. inspected the latest development at the RCA Camden plant and it was pronounced ready at that time. However, after the subsequent F.C.C. developments, RCA withheld the release of theatre-size television. The demonstration is scheduled for next week.

Program Notes

NBC will launch a new program, "I'm an American," in cooperation with the Immigration and Naturalization Service of the Department of Labor next Saturday at 2 P. M. over the Red network. . . . Bide Dudley has started a series of quiz shows based on the legitimate theatre, Thursdays at 7 P. M. over WHN. There is no studio audience; listeners send in the answers to win tickets to Broadway shows. . . . WMCA will present a program of "Masterwork" recordings Mondays through Fridays

at 9 P. M. beginning tonight. In addition to musical classics, there will be recordings of dramatic works. . . . WMCA will also carry transcriptions of Elliott Roosevelt's talks from Ft. Worth at 8:15 beginning tonight, sponsored by Dr. Lyons toothpowder.

Chimes Charm Times Square

NBC chimes began ringing out over Times Square last Saturday night in a tieup with the Gillette Safety Razor Co., which maintains a large sign and electric clock on 47th St. and Broadway. The chimes ring each quarter hour just as they do on station breaks over the network. The Gillette chimes are produced by a new circuit, invented by J. L. Hathaway, NBC engineer, and the new method will be installed for the network in the near future.

Film Players on the Air

Alice Faye and other 20th Century-Fox players will appear in a special Kate Smith broadcast on Friday, May 17, in a tie-up with the opening of "Lillian Russell" at the Roxy the same night. . . . Dixie Dunbar will be interviewed by Bill Burns on the "Uptown Movie Reporter" over WBNX today at 4 P. M. . . . Eddie Cantor will be heard on "We, the People" over CBS tomorrow night at 9 P. M. . . . Hedda Hopper will dramatize the life of Don Ameche in three parts starting May 6 at 6:15 P. M. in her Hollywood broadcast. . . . Carole Lombard will be starred on the CBS "Silver Theatre" next Sunday at 6 P. M. "Pursuit of Happiness" will feature Franchot Tone on the same day at 4:30 P. M. . . . Joe E. Brown will appear on "Texaco Star Theatre" on Wednesday at 9 P. M.

Quiz in Theatre Tieup

In a tieup with the RKO Paramount theatre in Cincinnati, Studebaker dealers will sponsor a baseball quiz show over WKRC for 26 weeks. Contestants who answer questions correctly will score from a one-base hit to a home run, depending on the question, and prizes will be tickets to the Cincinnati Reds baseball game. All broadcasts will take place from the stage of the Paramount on Fridays at 9:15 P. M.

Columbia Artists Sued

Columbia Artists, Inc., was sued on Friday for \$195,800 in the N. Y. Supreme Court by Albert Zugsmith, who claims to be the defendant's former orchestra division head. Zugsmith charges the defendant failed to pay a percentage on increased business for 1933, 1934 and 1935 under an alleged oral contract of employment.

Gillis Joins 20th-Fox

PHILADELPHIA, April 28.—Herb Gillis has joined the 20th Century-Fox exchange here as booker, filling a vacancy left by the death of Gilbert Fleischman.

MPA Meeting Routine

Routine meeting of the Motion Picture Associates was held Friday at the Astor. Jack Ellis, president, presided.

Tips on Exploitation

Rhyme Contest Is Used on 'Dr. Kildare'

CAMDEN, N. J., April 28.—The Savoy Theatre is conducting a "nurse-ry rhymes" contest for the showing of "Dr. Kildare's Strange Case," offering a pair of guest tickets to the 50 persons who submit the best parodies of well-known nursery rhymes relating to a young doctor and his nurse.

Warners Set Tieups For 'Torrid Zone'

Warners have launched a national campaign on "Torrid Zone," through tieups with the House of Westmore, Auto-Lite Spark Plugs and the Goldman Co., manufacturers of play clothes. Makeup products used by Ann Sheridan feature the Westmore tieup, promotional copy will be used on the Auto-Lite deal, and Miss Sheridan, wearing the Goldman clothes, will be used in window displays.

Girl on White Horse Aids 'Florian' Run

HOUSTON, Tex., April 28.—For the run of "Florian" at Loew's State here, Francis Deering, manager, and Homer McCallum, publicity director, had a masked girl in a white bathing suit ride a white horse through the city's main streets. The animal wore royal purple robe with the title of the film in cut-out letters.

Florist Association Joins 'Orchid' Tieup

To plug Warners' "Brother Orchid" the company has arranged with the Florists' Telegraph Delivery Association for a campaign to popularize the orchid. The organization will feature a new, miniature flower, known as the "brother orchid."

Use Radio Quiz on 'Lincoln' in Boston

BOSTON, April 28.—Preparing for "Abe Lincoln in Illinois," the Keith Memorial Theatre conducted a weekly 15-minute radio quiz on the life of Lincoln, with theatre passes as prizes.

Empty Rocking Chair Plugs 'Invisible Man'

TORONTO, April 28.—A stunt for "The Invisible Man Returns" was staged by the Capitol Theatre, Guelph, Ont., which consisted of a unique window display in an empty store on the main street. In the center of the exhibit was a vacant rocking chair which, through a hidden device, was tilted back and forth throughout the day. A special card announced that the "Invisible Man" was sitting in the chair and the public was asked if they could see him.

Huge Black Boots Used for 'Cyclops'

LOUISVILLE, April 28.—Attracting attention to the opening at the Rialto of "Dr. Cyclops" was a gigantic pair of black boots, set up in the theatre lobby. Four colored boys worked intermittently throughout the day polishing the huge boots, which weighed approximately 400 pounds.

Ohio State to Study Education by Radio

COLUMBUS, Ohio, April 28.—The 14th annual Institute for Education by Radio of Ohio State University gets under way here tomorrow with a discussion of propaganda led by Prof. Lyman Bryson of Columbia University. Awards will be made for the fourth American exhibition of recordings of educational radio programs during the session. Round table discussions and work-study groups will be held throughout the three days of the Institute.

Tuesday's sessions will be devoted to demonstrations of classroom broadcasts with F.C.C. Chairman James L. Fly scheduled to address the dinner meeting in the evening. On Wednesday, a general session will be held, together with a discussion of short-wave activities.

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VOL. 47. NO. 85

NEW YORK, U. S. A., TUESDAY, APRIL 30, 1940

TEN CENTS

Lengthy Deals Are Opposed By Schaefer

RKO Head Terms Them 'One Way Streets'

George J. Schaefer, president of RKO, yesterday declared himself to be opposed to all long term franchises to exhibitors, during his pre-trial examination in the Government's "key" anti-trust suit.



George J. Schaefer

These franchises are a "one-way street," Schaefer said, because the exhibitor will play all the pictures only if the transaction is profitable to him. "If disadvantageous, the exhibitor generally refuses to play the pictures until the franchise is adjusted," he added.

New conditions, such as the advent of sound in the past and of television in the future, make the results of franchises highly uncertain, Schaefer continued. As to television, the RKO

(Continued on page 6)

Court in N.J. Rules

Bank Night Lottery

TRENTON, N. J., April 29.—Circuit Court Judge William A. Smith has ruled Bank Night a lottery although persons other than ticket holders within a theatre were listed as eligible prize winners.

The ruling, filed in State Supreme Court, upheld the contention of A and G Amusement Co., operator of a Paterson theatre, that it could seek exemption from a claim of \$1,140 under a Bank Night contract since

(Continued on page 6)

Stanton Griffis Off For Studio Parley

Stanton Griffis, chairman of the Paramount executive committee, left for the Coast by train last night for what he described as "routine" conferences with studio executives. Griffis plans to be away at least two weeks and may remain on the Coast for the Paramount annual sales meeting, which will open in Los Angeles, May 24.

'Rebecca' Gets 6th Music Hall Week

Topping all records at the Radio City Music Hall, "Rebecca," David O. Selznick production, will be held a sixth week at the theatre. This exceeds the five-week run of "Snow White," the previous record holder.

With no indication of slackened pace, the film drew an estimated \$60,000 in the first four days of the fifth week and should go over \$90,000 again this week.

Demand Britain Limit Rentals by U.S. Distributors

LONDON, April 29.—The fight for reduced rentals by the Cinematograph Exhibitors Association is expected to be carried to Parliament tomorrow.

Major Sir Jocelyn Lucas and Neil MacLean, members of Parliament, are expected to ask the Government to limit the amounts charged by American distributors for rental of their films with the aim of conserving foreign exchange.

They also will ask that an investigation be launched of the whole film rental situation.

Following the deal for "Gone With the Wind" closed by M-G-M with

(Continued on page 6)

Benny Film Strong In Broadway Parade

Two new films and one holdover led the Broadway parade over the past weekend. Although the Weather Bureau reported that the temperatures were still a few degrees below normal, bright, sunny skies brought the first real Spring weekend to New Yorkers.

"Buck Benny Rides Again" established itself as a topnotch grosser

(Continued on page 6)

Meiklejohn Heads Paramount Casting

HOLLYWOOD, April 29.—William Meiklejohn, Hollywood agent, has been signed to head the Paramount talent and casting departments. John Zinn, business manager of the departments, and Arthur Jacobson, talent head, will continue in their posts. Meiklejohn will report May 6.

Y. Frank Freeman, vice-president

(Continued on page 6)

U. S. RULES B & K VIOLATED DECREE

Report of Special Master Exonerates Majors From Complicity on 1931 Federal Order

Balaban & Katz was held to have violated one major phase of its 1931 Federal consent decree and all major distributors were exonerated of complicity in the violation by Master in Chancery Edgar Eldredge in a report filed in Federal district court in Chicago yesterday.

While as a distributor Paramount was found not guilty, as the B. & K. parent company it was held jointly liable with its theatre subsidiary for the decree violation cited in the master's report.

The violation found involves Paragraph 10 of the decree, which relates to a prohibition against restraint of trade in first run exhibition by B. & K. in Chicago.

Metro Plans Four Regional Meetings

M-G-M will hold four regional sales meetings this month, William F. Rodgers, general manager, stated yesterday before leaving for San Francisco by train where he will conduct the first session at the St. Francis Hotel next Monday and Tuesday.

The second meeting will be held at the Drake Hotel, Chicago, May 13 and 14; the third at the Astor Hotel here, May 17 and 18, and the final meeting will be at the Shoreham Hotel, Washington, D. C., May 20 and 21.

District and branch managers, salesmen and bookers will attend the meetings. The first will be for the M-G-M field forces from the Far West, the second for the Midwest, the third for the East and Canada and the final meeting for the South.

Edward M. Saunders, Western division manager, will attend the first two meetings and T. J. Connors, Eastern and Southern division manager, the second two.

Howard Dietz, advertising and publicity director, and Edwin Aaron, Rodgers' assistant, are accompanying him to the Coast.

See Child Ban End Shortly in Quebec

MONTREAL, April 29.—Premier Adelard Godbout of Quebec has announced that children will be permitted to attend films approved by the censor for them, through legislation to be introduced shortly.

"The motion picture is a powerful educational influence, provided it is properly used, and education should

(Continued on page 6)

B. & K. and Paramount have 20 days in which to make their exceptions to the master's report. Thereafter, the case will go to a Federal district judge in Chicago for a hearing.

Defendant distributors besides Paramount who were found not guilty of violating the decree were 20th Century-Fox, M-G-M, Warners, Columbia and United Artists, on the question of active violation. Federal attorneys conceded at the close of the hearings before the master last Fall that the Government had no case against RKO and Universal, who had been named as defendants but neither of whom sell their pictures to B. & K.

Hearings on charges of violations of the consent decree were begun before Master in Chancery Eldredge last Summer and were concluded during September. Voluminous briefs were filed thereafter by defense and Government attorneys and the case has been under advisement ever since.

Cassil Files Suit Against Dubinsky

ST. JOSEPH, Mo., April 29.—Frank H. Cassil, operator of the subsequent run Rialto here, today filed suit in Federal district court for \$452,775 against the major distributors and Dubinsky Bros. Circuit, charging conspiracy in restraint of trade in violation of the anti-trust laws.

Cassil, who is president of the Kansas-Missouri Theatres Association, an M.P.T.O.A. affiliate, charges that the distributors sold second run to Dubinsky in 1932 and subsequently although the Rialto had previously held second run, thereby moving the Rialto from 60 to 132 days behind first run.

The suit also charges that the Dubinsky bought all product of the de-

(Continued on page 6)

Neely Bill Attacked By Women's Group

Columbia, Mo., April 29.—The Missouri State Federation of Women's Clubs at a meeting here passed a resolution not to support the Neely block booking bill. There were no dissenting votes. The action was in line with the effort of Mrs. Aretus F. Burt, motion picture chairman of the General Federation of Women's Clubs, who is opposing support of the bill by state federation groups over the country. Mrs. Burt appeared on the program here.

A. W. Weil, Expert On Copyright, Dies

Arthur William Weil, 59, an authority on copyright law who did much work for the major film companies, died yesterday at his home, 32 East 64th St., after a long illness. He was the author of the standard work, "Weil on Copyrights," and was instrumental in drawing the contract for the introduction of sound films in 1929 when he was attorney for Erpi. He represented the Hays office in copyright matters and in drafting legislation.

Josef Pasternack Dies

CHICAGO, April 29. — Josef A. Pasternack, 59, died here today after a heart attack while rehearsing his NBC orchestra for a program which was to have been broadcast tonight. At one time he was music director for the Stanley theatre circuit. He joined NBC in 1927.

Purely Personal

RALPH BRANTON of Tri-States States Circuit, Des Moines, is here for Paramount home office conferences.

JOE LIEBERMAN and MITCHELL BERNSTEIN, distributors in St. John, N. B., and MITCHELL FRANKLIN, manager of the Mayfair and the Regent there, are among a group arranging a benefit show for refugee children.

CHARLES SEGALL, president of the United M.P.T.O. in Philadelphia, is recovering from an illness at Mt. Sinai Hospital in that city.

JAMES HARRIS, exploitation chief at Loew's State, St. Louis, is recuperating at his home after an arm operation.

BEN J. ROBBINS, United Artists manager in St. Louis, has returned from a business trip to Memphis.

MARIO PLESSNER, member of the Fanchon & Marco exploitation staff, St. Louis, is the father of a girl.

JOHN X. QUINN, head of the M-G-M exchange in St. Louis, has returned from a Florida vacation.

Mr. and Mrs. JOE E. BROWN are here from the Coast.

JOHN HARRIS is in New York from Pittsburgh.

LEO SPITZ left for Chicago on Sunday.

MILT HARRIS, Loew's publicity representative in Cleveland, is in town.

WILLIAM F. RODGERS, ARTHUR SCHWARTZ, ADOLPH ZUKOR, BARNEY BALABAN, OWEN DAVIS, GEORGE WELTNER, VINTON FREEDLEY and JOHN D. HICKS at Nick's Hunting Room in the Astor for lunch yesterday.

J. ROBERT RUBIN, DENNIS KING, GUY BOLTON, CHARLES SONIN, ALEC MOSS, AL WILKIE, VINCENT TROTTA, ROBERT WEITMAN, AL LEWIS and HARRY OSHRIN at Sardi's for lunch yesterday.

MAX FRIED, Warner booker, and MOE ROSE, M-G-M booker, are publicizing the dinner and dance of the N. Y. Motion Picture Bookers Club May 19 at the Astor.

E. V. LUCAS and WILLIAM K. JENKINS, Paramount partners in Atlanta, who were expected in New York this week, have postponed their visit indefinitely.

HARRY MARTIN, critic of the Memphis *Commercial Appeal* and chairman of the Film Critics of America, has returned to Memphis after a visit here.

JOHN B. KENNEDY addressed members of the M-G-M pep club at the exchange office in New Haven on Saturday.

IRVING LESSER, JOSEPH VOGEL, DAVID BERNSTEIN, JACK GOETZ and J. J. MILSTEIN lunching at Lindy's yesterday.

Ban U. S. Newsreels In Czechoslovakia

Press dispatches to New York yesterday indicated that theatres in the German protectorate which formerly was Czechoslovakia may no longer show American newsreels. Nazi authorities permit the showing only of German reels and "Actualitat," a Czech reel produced under Nazi supervision.

Canadian Pioneers Dinner Tomorrow

TORONTO, April 29.—The Canadian Picture Pioneers will hold their formal charter dinner at the Royal York Hotel here on Wednesday, with Chairman Clair Hague presiding and Jack Cohn, president of the Pioneers Club, New York, and other visitors from the United States attending as guests of honor. Following a business session at which J. E. Lawson, former member of the House of Commons and one of the first exhibitors in Toronto, will present the Government charter, the life members will receive engraved copper membership "cards" and the program will wind up with a dinner and old-timers' floor show.

Among those who have signified their decision to attend are W. Ray Johnston, Edward A. Golden, Arthur Gootlieb, Arthur Lee, Max Levy and M. A. Schlesinger. There are 125 charter members in the Canadian organization and many from distant points in the Dominion have made reservations for the party.

'Dark' at Roxy May 10

Republic's "Dark Command" will open at the Roxy on Broadway May 10, James R. Grainger, Republic president, announced yesterday. Following a week at the Paramount, San Francisco, the picture will move May 2 to the St. Francis for a second week.

Brandts Take House

The Stanley, 621-seat theatre at Seventh Ave. & 41st St., has been acquired by the Brandt circuit. Landon Theatre Corp., of which Louis Schneider is president, is the former operator.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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	LOS ANGELES	4	\$149.95
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Above: M-G-M's great travelling ballyhoo, the original 20 Mule Team from the picture. It's a sensation when it rolls down the Main Streets of America. Now on tour!



HOT OFF THE WIRE!

Raves From Coast Preview!

"'20 Mule Team' A-1 Western. Done in the grand manner, with top-flight production, direction, performance and photography. Wallace Beery at his best, playing the type of role in which he is most popular and providing extremely good entertainment. As brilliantly executed western drama as the screen has seen. Historical authenticity and presenting the most vivid panorama of the arid majesties of Death Valley ever shown on the screen. Beery is in his element in the role of the mule skinner, giving an even better characterization than in 'Bad Man of Brimstone'."

—*Hollywood Reporter*

"A natural for Wallace Beery and will serve further to ingratiate him with an ever-increasing audience. The story, absorbing excitement and suspense, both romantic and melodramatic. One of the best gun-fights ever seen on the screen winds up for a happy ending. High level of gripping entertainment. A topnotch job all the way. Scenically the picture is remarkable."

—*Daily Variety*

"Death Valley has been overlooked too long by Hollywood in picking stories for Westerns. In '20 Mule Team' M-G-M will cash in strong on the picturesque history and strangeness of this locale. Story offers excellent role for Wallace Beery, one of the most colorful parts he has had."

—*Harry Friedman, L. A. Examiner*

"'20 Mule Team' roaring melodrama of Death Valley. A rip-roaring tale with its desert panoramas and its bad men, with a superabundance of action and a great fight-to-the-finish wind-up. Death Valley has seldom been delved into so effectively. All in all a hit."

—*Edwin Schallert, L. A. Times*



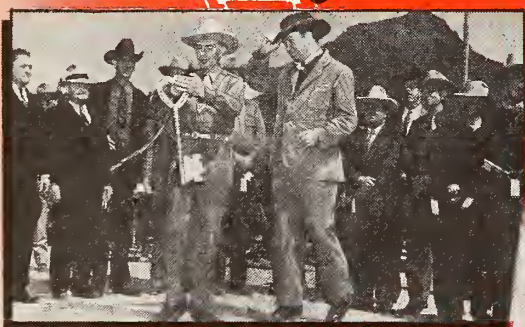
"20 MULE TEAM" starring WALLACE BEERY

with Leo Carrillo, Marjorie Rambeau, Anne Baxter, Douglas Fowley • Screen Play by Cyril Hume, E. E. Paramore and Richard Maibaum • A Metro-Goldwyn-Mayer Picture • Directed by Richard Thorpe
Produced by J. Walter Ruben

CAMERAS ROLL ON TWO

Big ballyhoo starts these production

In Arizona



Wesley Ruggles honored by mayors of twenty-four Arizona cities.



Ruggles Day proclaimed by Governor at reception to Wesley Ruggles in Tucson.



Governor, Wesley Ruggles and William Holden dedicate set at Old Tucson.

Wesley Ruggles' Production

JEAN ARTHUR
in

"ARIZONA"

with
WILLIAM HOLDEN
WARREN WILLIAM • PORTER HALL

and a cast of thousands. Based on the Saturday Evening Post serial and novel by Clarence Budington Kelland
Screen play by Claude Binyon

Directed by **WESLEY RUGGLES**

A COLUMBIA PICTURE



GREAT COLUMBIA EPICS!

off with a bang!

In Virginia



Press and Radio reps interview Frank Lloyd on arrival in Williamsburg.



Frank Lloyd welcomed to Williamsburg by proxy of William and Mary College.



Cary Grant leads the social whirl at College of William and Mary.

FRANK LLOYD PICTURES, INC., presents

CARY GRANT
MARTHA SCOTT

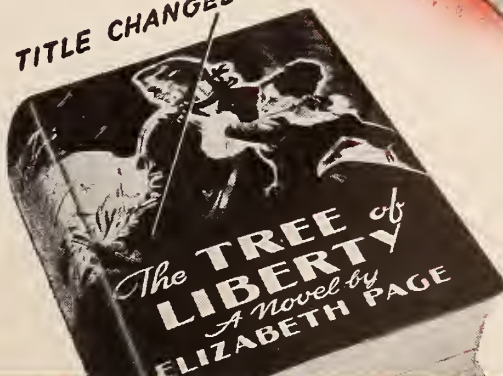
as **"THE**
HOWARDS
of VIRGINIA"

from the novel, "The Tree Of Liberty", by Elizabeth Page
with Sir Cedric Hardwicke, Alan Marshall, Richard Carlson,
Screen play by Sidney Buchman

Frank Lloyd's
Production
Directed by **FRANK LLOYD**

Jack H. Skirball, Associate Producer
A COLUMBIA PICTURE

TITLE CHANGED TO



- Unprecedented radio coverage . . . with two coast-to-coast broadcasts from Williamsburg . . . over both major networks on successive nights.

Lengthy Deals Are Opposed By Schaefer

(Continued from page 1)

executive stated that he did not know where its development would lead.

Schaefer denied Special Assistant Attorney General Robert L. Wright's inference that the assurance of continued film sales to distributors depended upon either an interest in theatres or long term franchises. "The quality of your pictures and your ability to sell them is your best assurance," he asserted.

Schaefer, who had served as sales manager of Paramount, justified that company's acquisition of theatres in Boston and its disposal of theatres in Philadelphia. The merger of Metro and Loew's forced the company to purchase first run houses in Boston, he said.

Schaefer Outlines Policies

Paramount's sale of three Philadelphia theatres was ordered by its trustees because they had proved unprofitable, Schaefer declared. In addition, he outlined a number of other policies adhered to by Paramount, RKO and United Artists, the three companies which had employed him.

In describing the advantages of theatre ownership, Schaefer said that RKO would not subsidize a losing house. Rather than use a rigid policy, the company adapts its policies to the earning capacity of each theatre, he said.

United Artists does not engage in block booking because of "the jealousy between different producers," Schaefer declared. U. A. sells its product in separate groups for each producer, he added. That company obtained its greatest revenue from the five affiliated circuits, the witness said.

Schaefer reiterated the contention of previous witnesses that neither the Paramount or RKO distribution and theatre departments exchange information. Keen rivalry and jealousy between the departments made neither desirous of revealing confidential records, he asserted.

Tells About Decentralization

A policy of "decentralization" of Paramount houses was inaugurated by him while the company was in receivership, Schaefer testified. Theatres were losing money then, he said, and the "local manpower" had better knowledge of local conditions and problems.

Attorneys representing RKO at the examination were Colonel William J. Donovan, William Mallard, secretary and general counsel, Granville Whittelsey and William Zussman. Among other attorneys present were Judge Thomas D. Thacher and Louis Phillips of Paramount.

Herman Wobber, sales head of 20th Century-Fox, will testify today.

Danz Shifts Ross

SEATTLE, April 29.—Jerry Ross, former manager of the Palomar here, has been moved to Portland to supervise the operation of the Orpheum, also operated by the John Danz circuit. He succeeds Al Forman, who resigned last week to devote more time to his own theatres in St. Helens, Oregon.

Hollywood Reviews

"20 Mule Team"

(M-G-M)

HOLLYWOOD, April 29.—For years, American housewives have been buying 20 Mule Team brand borax and its derivatives put out under that trade name. So when exhibitors put the title of M-G-M's latest Wallace Beery vehicle, "20 Mule Team," on their marquees, they can assume that a good portion of the populace will know that the film will be about borax. The story deals with the struggle to get the borax crystals from the desert to the railroad, with Beery playing the role of a mule skinner or driver of the wagon trains which pull huge quantities of the salt across the arid wastes.

Leo Carrillo, as his Indian helper; Marjorie Rambeau, as the saloon-hotel keeper who killed to keep her daughter from running away with a worthless man; Anne Baxter, in her film debut as the daughter; Douglas Fowley, as the mustached "city slicker;" Noah Beery, Jr., Berton Churchill, Arthur Hohl, Clem Bevans, Charles Halton, Minor Watson, Oscar O'Shea and Lloyd Ingraham are cast in supporting roles.

The screenplay, which leans toward the static side, was written by Cyril Hume, E. E. Paramore, and Richard Maibaum, who adapted the story of Robert C. DuSoe and Owen Atkinson. J. Walter Ruben produced it.

Running time, 82 minutes. "G."*

VANCE KING

"Alias the Deacon"

(Universal)

HOLLYWOOD, April 29.—Made previously by Universal in 1927, "Alias the Deacon" casts Bob Burns in the role of a card sharper with a heart of gold, who uses his talents with an ace, and his pose as a "deacon" to right wrongs in a small town.

Appearing with Burns are Mischa Auer, as a French barber whose excitable nature is used to comedy advantage; Peggy Moran and Dennis O'Keefe, as the romantic interest; and Edward Brophy, Thurston Hall, as a loan shark and villain of the piece; Spencer Charters, Jack Carson and Guinn Williams.

Based on the stage play by John B. Hymer and Leroy Clemens, the screenplay by Nat Perrin and Charles Grayson evoked an almost continuous burst of laughter from the preview night audience, which also voiced approval of the casting.

Christy Cabanne directed, with Ben Pivar as associate producer and Warren Douglas as executive producer.

Running time, 73 minutes. "G."*

W.S.

*"G" denotes general classification.

Cassil Files Suit Against Dubinsky

(Continued from page 1)

endant distributors, which was more than their actual needs, in order to control the situation. It is alleged Cassil was forced to lower his admission from 20 to 15 cents and that the distributors gave Dubinsky rejection and other privileges which were denied Cassil. The complaint also says that in 1934 the Dubinskys and Charles Geiger opened the Valley Theatre in competition to the Rialto and forced Cassil to purchase it which, with subsequent run operation on an unexpired lease, cost him \$5,000.

The Dubinsky circuit dominates the St. Joseph situation.

Lum and Abner Signed

HOLLYWOOD, April 29.—Jack Votion and Sam Coslow of Voco Productions today signed Lum and Abner, radio team, for three films a year for the next three years, after viewing rushes of "Dreaming Out Loud." RKO will release all.

Set 'Wife' on Coast

The West Coast premiere of "The Baker's Wife," French film starring Raimu, will be held May 10 at the Esquire, Hollywood.

Meiklejohn Heads Paramount Casting

(Continued from page 1)

in charge of studio operations, in making the appointment, declared, "Studio operations are now in the process of streamlining, a procedure designed to increase production efficiency while every effort is made to save money wherever it can be legitimately saved. It should be emphasized that this streamlining process primarily is one of building rather than retrenchment."

Court in N. J. Rules Bank Night Lottery

(Continued from page 1)

the contract, covering operation of a lottery, illegal in New Jersey, was invalid. Suit for the \$1,140, instituted by William Furst, assignee for Affiliated Enterprise, Inc., Bank Night copyright owners, has not been tried and Furst was seeking to have part of the theatre company's defense stricken out.

Hyman Here from Coast

Louis Hyman, executive of Sol Lesser Productions, arrived from the Coast yesterday for sales conferences with executives of United Artists, through which Lesser's films are distributed.

Benny Film Strong In Broadway Parade

(Continued from page 1)

at the Paramount. With a stage show headed by Gene Krupa's band and Connie Boswell, the Paramount grossed an estimated \$26,000 over Saturday and Sunday and should finish with an estimated \$60,000 for the first week tonight. Several personal appearances by Jack Benny and Phil Harris aided the Paramount take.

Also strong was "One Million, B. C.," with a stage show by the Roxy which drew an estimated \$22,500 for Friday, Saturday and Sunday. "Rebecca" now in its fifth week at the Music Hall continued to top all grosses among the first runs.

At the Strand, "Til We Meet Again," with Wayne King's orchestra on the stage, drew an estimated \$16,000 over the weekend. It ends a two-week run on Thursday. "Saturday's Children," with Guy Lombardo and his Royal Canadians on the stage, opens on Friday. "Star Dust" goes into the Roxy on Friday.

"Enemy Agent," at the Rialto drew an estimated \$6,500 and was followed by "Saps at Sea" on Saturday. "Secret Four" took an estimated \$4,000 at the Globe. "Man With Nine Lives" started there Saturday.

Demand Britain Limit U.S. Rentals

(Continued from page 1)

John Maxwell's Associated British Theatre circuit, the C.E.A. has postponed the second issue of its planned series of pamphlets in the rental fight.

They claim an initial victory in the fight by reason of the M-G-M guarantee of 10 per cent profit on the "Wind" engagements, as was offered exhibitors in the United States on the film. The English exhibitors contend the guarantee is an entirely new concession, altering the "Wind" situation and also the whole basis of film rentals. They insist it establishes a new principle applicable to films booked at any percentage. It is generally believed in film circles here that the conclusion of the deal for the picture by Associated British was designed as a blow by Maxwell against the Gaumont British, another of the country's largest circuits.

See Child Ban End Shortly in Quebec

(Continued from page 1)

start with children," the Premier said. A special censor board for children's films is to be established, headed by the chairman of the present board, and including members of the clergy.

Canadian distributors and circuit officials foresee a definite pickup in theatre revenue as a result of the new legislation for children under 16. The ban has been in effect since 1927. The major reason for the expected increase is the fact that the lifting of the ban will permit entire families to attend film shows, impossible now, since one of the parents is under the necessity of staying at home with the children.

Mrs. Selma Stevens Dies

St. Louis, April 29.—Mrs. Selma Stevens, film inspector at the Universal exchange for 20 years, died late last week.

Complaint

A new high spot in patron complaints to exhibitors is the following, written in pencil on a postal card and sent to "RKO New 23 street."

Verbatim, it read:

"I would be very grateful if you would not send your Movie program so early in the morning because the mailman Rings the bell at 8 A M in the morning and wakes her up if you cant mail it late the day. I thank you very much."

Asks Permission to Remove Transmitter

WASHINGTON, April 29.—Application for a change of frequency from 1,190 to 900 kilocycles and extension of time from limited to unlimited, with removal of transmitter from Pleasant Heights, W. Va., to Burlington, Ohio, has been filed with the Federal Communications Commission by Station WSAB, Huntington, W. Va.

In another application, Station WICA, Ashtabula, Ohio, asked for an increase of power from 500 to 1,000 watts.

Massillon Mayor Bans All Carnivals

MASSILLON, O., April 29.—Local exhibitors hereafter will have no competition from circuses and carnivals. These forms of amusement have been banned by Mayor Harry W. Lash "because we need to keep our money in the city."

The Mayor, who previously refused to issue a permit to a carnival, last week turned down a circus application, and declared there would be no permits issued as long as he was in office.

Attend Schine Party

Present at the Spring party of the Schine Circuit at the Meadowbrook Club, Saratoga Springs, were the following from Albany exchanges: Joe Engel, Universal special representative out of Cleveland, and Mrs. Engel; Dan Houlihan, 20th Century-Fox booker; Joseph Miller, Columbia branch manager, and Mrs. Miller; Bernard Kranze, branch manager for RKO, and Mrs. Kranze; Jerry Spandau, Universal branch manager, and Mrs. Spandau; Fred Slider, 20th Century-Fox salesman, and Mrs. Slider. Also Mrs. Reba Ryan, Mary Synder, Frank Williams and Mr. and Mrs. Harry Burke.

Benefit for China

Screen, stage and radio personalities will participate in a benefit show for Chinese war orphans and refugees at the Center Theatre, May 5. Sponsored by the China Aid Council, of which Mrs. Sara Delano Roosevelt is honorary chairman, the show is billed as "Night of Nights for China."

Ziegfeld Auction Held

A motion picture projection booth, reputed to have cost \$20,000, presented to Billie Burke by her husband, the late Florenz Ziegfeld, yesterday was auctioned for \$250. The sale, at Hastings, N. Y., was to private interests. Other former Ziegfeld possessions were sold.

RADIO BREVITIES

DESPITE the high percentage of sponsor identification by listeners during a coincidental survey, the number who can identify, on the following day, the particular message which the advertiser is trying to convey is considerably smaller, according to a recent survey made by Samuel E. Gill, market research analyst. Though 78 per cent of those interviewed while the Sunday program was still going on were able to name the sponsor, only 42 per cent was able to identify the punch line, slogan or offer when questioned on Monday.

Of four test programs, Edgar Bergen and Charlie McCarthy, Trans-Radio News, Gabriel Heatter and Screen Guild Theatre, Bergen's program ranked highest among those able to name the sponsor (98 per cent) but was lowest the next day with only 39 per cent able to identify the sponsor's message. Other rankings were Screen Guild, 76 per cent, coincidental, and 57 per cent on the next day; Trans-Radio, 65 per cent, coincidental, and 42 per cent the next day; and Gabriel Heatter, 55 per cent coincidental, and 45 per cent the next day.

CBS Carries Derby; NBC the Preakness

With Gillette Safety Razor Co. sponsoring the Kentucky Derby broadcast exclusively over CBS next Saturday, the American Oil Co. yesterday signed to sponsor the Preakness Stakes over NBC-Red. American Oil will use 42 NBC stations with Edwin C. Hill and Clem McCarthy describing the race.

"Pot o' Gold" Remains as Is

A last minute shift of plans finds the Tums' "Pot o' Gold" show scheduled to continue in its old format tonight. A change was due to be made tonight when the program will be heard on a new time schedule in localities which do not use daylight saving time. However, with scores of ideas for the change submitted, neither the agency nor the client could make a final decision on any of them. Work on the changes will continue.

Personalities in the News

John F. Royal, NBC vice-president in charge of programs, will leave by plane for Rio de Janeiro on May 12, to arrange for the forthcoming South American tour of Arturo Toscanini and the NBC Symphony Orchestra. . . . Rolf Kaltenborn, 24-year-old son of H. V. Kaltenborn, has resigned from the CBS production staff, to conduct a survey on the effectiveness of adult education by radio for the Sloan Foundation. He will give a course in radio at the New School for Social Research in the Fall. . . .

Jerry Lawrence, WOR announcer-producer, has written an article on radio boners, "Slips That Pass in the Mike" for Scribners. . . . Eddie Cantor will make the principal address on a "Citizenship" program from Tulsa, Okla., on Sunday at 7:30 P.M.

Program Notes

Meredith Willson will conduct "America Sings" over NBC-Red beginning July 3 as the summer replacement for "Fibber McGee and Molly." . . . General Electric will continue the

"Hour of Charm" through the Summer over NBC-Red. . . . Hearst's Department Stores have renewed "Children's Theatre of the Air" for another 52 weeks over WHN. . . . "The Voice of Experience" returns to WOR next Monday at 1 P.M. under the sponsorship of Stanback Co. The program, a transcription, will be heard Mondays, Wednesdays and Fridays. . . .

Paging Mr. Weitman

Bob Weitman, managing director of the Paramount, came in for some attention from Jack Benny's crew Sunday night. According to the script, Benny was acting as an usher at Weitman's theatre because he couldn't see enough of "Buck Benny Rides Again." There was a number of episodes in which Weitman telephoned Benny to rush down to the theatre because of chaotic conditions in Aisle 4. Major slip of the broadcast, however, was the failure to inform the cast that Weitman's name is not pronounced "Wittman."

O'Keefe Trial Ended

N. Y. Supreme Court Justice John E. McGeehan yesterday reserved decision after a four day trial of the \$48,750 damage suit of Walter O'Keefe against Young & Rubicam, Inc., and the Packard Motor Car Co. O'Keefe claims that the defendants breached a contract to employ him on a radio program sponsored by the Packard company.

'Pursuit' Wins Top Ohio State Award

COLUMBUS, O., April 29.—"Pursuit of Happiness" was designated the "most distinguished program of the year" at the opening session of the 11th Annual Institute for Education by Radio at the Ohio State University here today. Awards were based on recordings of educational programs.

Although not designed as an educational program, the CBS show was honored because of its high instructive value. Norman Corwin, who directed the production of "Pursuit of Happiness," also directed last year's winner, "Words Without Music."

Other adult programs and the divisions in which they won top honors are: The "Meet Mr. Weeks" series for a broadcast called "What Makes an American," first among the lecture types; KFI's "Tour of Palomar Telescope," demonstration type; NBC's "Round Table" for a broadcast called "Propaganda," round table type; "Cavalcade of America" for a broadcast called "Abraham Lincoln," drama type.

The CBS program, "Let's Pretend," was considered the best of shows of general use for children. CBS also scored with "Columbia's School of the Air" as the best among elementary types. The "School of the Air" also was first in the high school class for "This Living World." "Let's Sing" won for WLS in the primary group.

Awards for the best local programs went to WOSU, Columbus, Ohio; WLB, University of Minnesota; the Radio Council of the Chicago public schools and the Spokane public schools.

Grandpa GOES TO TOWN

A HIGGINS FAMILY PICTURE



JAMES LUCILE RUSSELL

GLEASON

HARRY DAVENPORT • LOIS RANSON
MAXIE ROSENBLUM • ARTURO GODOY
DIRECTED BY GUS MEINS

A REPUBLIC PICTURE

"Palace Hotel—in the heart of the business district! Wait till I get my hands on the guy that sold us this place! This is a ghost town!"

'Rebecca' Is High Scorer In Twin Cities

MINNEAPOLIS, April 29.—"Rebecca" led the box-office parade in the Twin Cities, grossing \$12,500 at the Minneapolis State.

In Saint Paul, "Rebecca" was ahead of the pack with \$6,500 at the Paramount.

Estimated takings for the week ending April 25:

Minneapolis:

"Bullet Code" (RKO)
"Men Without Souls" (Col.)
ASTER—(900) (15c-25c) 5 days. Gross: \$1,900. (Average, \$1,800)
"The Shop Around the Corner" (M-G-M)
CENTURY—(1,600) (25c-40c) 8 days. Gross: \$7,800. (Average, \$4,000)
"Beyond Tomorrow" (RKO)
ESQUIRE—(290) (25c-40c) 7 days. Gross: \$800. (Average, \$1,000)
"Castle on the Hudson" (W. B.)
GOPHER—(990) (25c) 7 days. Gross: \$3,000. (Average, \$2,500)
"Primrose Path" (RKO)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$8,000. (Average, \$5,500)
"Rebecca" (U. A.)
STATE—(2,300) (25c-40c) 7 days. Gross: \$12,500. (Average, \$5,500)
"Of Mice and Men" (U. A.)
WORLD—(400) (25c-55c) 6 days. Gross: \$1,400. (Average, \$1,600)

St. Paul:

"Rebecca" (U. A.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$6,500. (Average, \$4,500)
"Primrose Path" (RKO)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: \$4,500. (Average, \$4,000)
"The Man From Dakota" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,200. (Average, \$1,800)
"Parole Fixer" (Para.)
"Isle of Destiny" (RKO)
TOWER—(1,000) (25c) 6 days. Gross: \$2,000. (Average, \$1,800)
"Of Mice and Men" (U. A.)
WORLD—(400) (25c-55c) 5 days. Gross: \$1,400. (Average, \$1,600)

Goldenson, Dembow To Tour Theatres

Leonard Goldenson and Sam Dembow, Jr., Paramount home office theatre executives, will leave at the end of the week for an extensive tour of the company's Western and Mid-western theatre operations and for a brief visit at the Paramount studio.

Leaving here on Saturday, the two will go to Phoenix, Ariz., first for conferences with Rickards & Nace circuit officials, and will go to the studio from there. Returning, they plan to confer with Harry David in Salt Lake City, A. H. Blank, Des Moines; B. & K. officials, Chicago, and Earl Hudson, Detroit.

Walsh Moves Office To Paramount Here

George Walsh, operator of the Netco circuit for Paramount, transferred his headquarters from Poughkeepsie to the Paramount home office yesterday, under the new arrangements for operating the upstate theatres from here. Harold Greenberg and Eugene Levy, Walsh's aides, are also transferred here by the move, which was made primarily for reasons of convenience in film buying and other operating activities.

Relatives Barred

HOLLYWOOD, April 29.—Extras related to Casting Bureau employees will receive no work except in an emergency, under a ruling of Howard Philbrick, Bureau general manager.

Corner on Redskins

Hollywood, April 29.—The word is being passed among the Indian chiefs on the reservation that "De Mille'll get you if you don't watch out."

The producer virtually has cornered the Indian chief market, signing two more, Thunderbird and Yowlachie, for his Paramount film, "North West Mounted Police."

Philadelphia AGVA, Musicians Agree

PHILADELPHIA, April 29.—The local chapter of the American Guild of Variety Artists has reached an unofficial working agreement with the local musicians' union, the actual signing of a mutual assistance pact depending on local autonomy being given to the actors' unit. The music union has advised its members not to rehearse any act unless they can produce an A.G.V.A. card and A.G.V.A. has listed as "unfair" all amusement places considered "unfair" by the musicians.

Further, A.G.V.A. has notified all agents that contracts must now contain a "pay or play" clause, allowing cancellations only for "an act of God." Local 77, of the A.F.M., also has agreed to cooperate with A.G.V.A. in the enforcement of the "pay or play" clause, threatening to withdraw its members where an act has been discharged in violation of the clause.

Studios Maintain Pace With 48 Films in Work

HOLLYWOOD, April 29.—Forty-eight pictures were before cameras this week, three more than last week's total, as nine finished and 12 started. Twenty-five are in the preparation stages and 61 are being edited.

The tally by studios:

Columbia

Finished: "Block K Rides Tonight" now called "The Return of Wild Bill," "Keep 'Im Alive."
In Work: "Arizona," "The Howards of Virginia," "Five Little Peppers Abroad."
Started: "Blondie" No. 6, "West of Aboline."

M-G-M

Finished: "The Mortal Storm."
In Work: "Boom Town," "Phantom Raiders," "Strike Up the Band," "I Love You Again," "Old Lady 31."
Started: "Gold Rush Maisie," "To Own the World."

Monogram

Finished: "Riders from Nowhere."
Started: "Wild Horse Range."

Paramount

In Work: "North West Mounted Police," "I Want a Divorce," "A Night at Earl Carroll's," "Texas Rangers Ride Again," "Three Men From Texas."
Started: "Rangers of Fortune," "Dancing on a Dime."

RKO

In Work: "Anne of Windy Pop-

N. Y. Fund Exhibitor Committee Is Named

A committee to augment the exhibitors sub-division of the Motion Picture Section of the Greater New York Fund was designated at a luncheon yesterday at the Hotel Astor, given by B. S. Moss, chairman of the sub-division.

Appointed were Nat Beier, of United Artists, Robert Wolff, RKO exchange manager, and Harry H. Buxbaum and Joseph J. Lee, Metropolitan district manager and exchange sales manager, respectively, of 20th Century-Fox.

Others present were: Leo Jacoby, Warners; Arch Mandel and Leland E. Burrell, New York Fund; Saul Trauner, Columbia; Moe Streimer, United Artists; David A. Levy and Max Cohen, Universal; Morris Epstein, Republic, and Larry Morris of the Moss circuit.

The committee will meet Thursday at Dinty Moore's.

Dismiss Arbitration On Ritz Brothers

HOLLYWOOD, April 29.—The arbitration proceedings regarding the appearance of the Ritz Brothers in "The Boys from Syracuse," to be produced by Mayfair Productions for Universal release, have been dismissed by mutual consent.

The comedians will continue their association with Universal, and have been signed to appear in one picture for Universal and one for Mayfair. The dispute arose when other players were substituted for the Ritz Brothers in the Mayfair film.

'Dr. Kildare' Pulls \$6,800 In the Loop

CHICAGO, April 29.—"Dr. Kildare's Strange Case" at the Apollo drew \$6,800 and "Blondie on a Budget" plus Tommy Riggs at the State-Lake took \$17,000 in a week of only fair grosses. Unsettled weather hurt somewhat.

Estimated takings for the week ending April 24-27:

"Dr. Kildare's Strange Case" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$6,800. (Average, \$6,000)
"Johnny Apollo" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Ethel Shutta and Revue. Gross: \$28,800. (Average, \$32,000)
"Virginia City" (W. B.)
GARICK—(1,000) (35c-55c-75c) 7 days. Gross: \$5,600. (Average, \$5,000)
"Gone With the Wind" (M-G-M)
ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 7 days, 12th week, 3 shows daily. Gross: \$23,500. (Average, \$13,000)
"It's a Date" (Univ.)
"Half a Sinner" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Gross: \$9,000. (Average, \$12,000)
"Broadway Melody of 1940" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days 2nd week. Gross: \$8,500. (Average, \$11,000)
"Blondie on a Budget" (Col.)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Tommy Riggs and Revue. Gross: \$17,000. (Average, \$14,000)
"Rebecca" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: \$12,200. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (\$1.10-\$1.50) 7 days, 13th week, 2 shows daily. Gross: \$9,000

Northio Takes Over Five Shea Theatres

Paramount and the M. A. Shea Circuit have concluded arrangements by which Northio Theatres, Inc., Paramount subsidiary, will take over the operation of five Ohio theatres from Shea while relinquishing operation of two other houses to that circuit.

The houses being taken over by Northio heretofore were part of a partnership with Shea. They are the Paramount and Fremont in Fremont, Ohio; the Clyde, in Clyde, and the Ohio and State in Bellevue. The Shea circuit takes over two theatres at New Philadelphia, Ohio, formerly jointly owned with Northio Theatres.

Hart Joins Law Firm As Film Specialist

Vincent G. Hart, formerly with the M.P.P.D.A. Production Code Administration, has been admitted to the law firm of Friend, Holbrook, Reiskind & Hart. Hart will specialize in motion picture law and censorship matters. He recently was national director of the Film division of the Finnish Relief Fund.

Columbia Seeks Dismissal of Suit

Columbia Pictures yesterday filed application in the N. Y. Supreme Court to dismiss three causes of action in the suit of five minority stockholders against it. The application, returnable today, is in reference to an action which demands an accounting, damages and cancellation of stock purchase warrants held by officers of Columbia.

lars," "Lucky Partners," "Cross Country Romance," "Thousand Dollar Marriage," "Have It Your Own Way," "Millionaires in Prison."

Started: "Dreaming Out Loud," "Dr. Christian No. 3."

Republic

In Work: "Wagons Westward," "Rocky Mountain Ranger."
Started: "Grand Ole Opry."

Roach

Started: "Captain Cautious."

Edward Small

In Work: "South of Pago Pago."

20th Century-Fox

Finished: "The Young People."
In Work: "Four Sons," "The Brat," "Public Deb No. 1," "Brigham Young," "Street of Memories," "Pier 13."

Universal

Finished: "You're Not So Tough," "Hot Steel."
In Work: "The Boys from Syracuse," "One of the Boston Buller-tons."

Wanger

In Work: "The Long Voyage Home," "Foreign Correspondent."

Warners

Finished: "The Sea Hawk," "All This and Heaven Too."
In Work: "The Life of Knute Rockne," "The Sentence," "Episode," "They Drive by Night."
Started: "No Time for Comedy."

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Picture
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28 WEST 44TH ST.,
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MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 86 NEW YORK, U. S. A., WEDNESDAY, MAY 1, 1940 TEN CENTS

Government Asks to See Sales Books

Goddard Sets Hearing On Plea May 7

The Government moved yesterday for a court order to permit it to inspect an exhaustive list of records of major defendants in the Government's anti-trust suit covering the licensing of films to 69 independent and Warner theatres located in the Philadelphia area.

The application will be heard by Federal Judge Henry W. Goddard on May 7. The records, consisting of licensing contracts, deal sheets, office communications and feature cut-off records, are evidence to be used by the Government to prove alleged unfair trade practices imposed upon Philadelphia exhibitors and discriminatory benefits extended to Warners in that territory, an affidavit of Special U. S. Attorney Seymour Krieger states.

Major companies already have been served with subpoenas requiring them to present the identical records on June 3, the day of trial. U. S. attorney.

Bonwick Succeeds T.P. Loach at Pathe

George J. Bonwick, formerly with Young & Co., Wall St. firm, yesterday was elected vice-president and treasurer of Pathe Film Corp. to succeed Thomas P. Loach, who has resigned to join Monogram as a vice-president. Both changes become effective today.

Loach enters Monogram as a representative of Pathe. Pathe's investment in Monogram is somewhat less than \$100,000.

Bonwick's election took place at the annual directors' meeting at which

Ontario Passed All Features Last Year

Toronto, April 30.—Not a single feature film was condemned by the Ontario Censor Board in the year which ended March 30, according to a report released tonight. The Board reviewed 2,278 films, including shorts. The number is 403 less than the previous year.

NBC Is Seeking Sponsored Film Programs to S.A.

Negotiations have been initiated by NBC for a daily short wave program sponsored by the film companies for the Latin American market. Industry executives are considering the plan and have requested reports from branch managers and distribution executives in Latin America. NBC and CBS now broadcast general film programs on a sustaining basis to Latin America and Europe, but NBC now seeks to place them on a commercial basis.

The plan now being discussed calls for a half-hour program seven times a week for a full year. Three of the seven shows would be devoted to general.

Walsh Resigns as President of Netco

George Walsh announced his resignation yesterday as president and general manager of Netco Theatres Corp., a Paramount theatre subsidiary operating in New York State.

The resignation, which was effective immediately, was induced, according to Walsh, by recent and contemplated pooling arrangements within Netco which, he said, "will greatly reduce" the active operations of the circuit.

The Netco theatres in Rochester and Syracuse were pooled with RKO

See 'Rebecca' Run at Hall Aiding Initial Subsequents

The record-breaking six-week run of "Rebecca" at the Radio City Music Hall should have a beneficial, rather than adverse, effect on initial subsequent runs of the film in the New York area, in the opinion of leading circuit executives here.

Charles C. Moskowitz, head of Loew's Metropolitan theatres, which will play the picture following the Music Hall run, summarized his opinion in the phrase, "Big pictures deserve big treatment." He made the point that a film strong enough to merit six weeks at the Music Hall would be virtually assured of a potential subsequent run audience greater than that for the average or better than average feature.

Prior experience has indicated that such films draw many people who are

20th-Fox Dismissal Hearings Due May 7

Application of 20th Century-Fox to dismiss the Government anti-trust suit against Joseph M. Schenck, chairman of the board, and Daniel O. Hastings and William L. Philips, directors, yesterday was referred to Federal Judge Henry W. Goddard for a hearing.

Sixteen other 20th Century-Fox dismissal applications are returnable Friday and also will be referred to Judge Goddard. All are scheduled to be heard May 7, pending confirmation of that date by the court. All applications involve officers and directors as individuals.

Parliament Debate Hits Distributors

LONDON, April 30.—The British Board of Trade has no intention of permitting a recurrence of what happened in the last war, when American film interests acquired a dominant position in the British industry, it was specifically indicated in the House of Commons today.

The trade methods of American distributors were criticized in Parliament today with the Board of Trade representative and the Chancellor of Exchequer questioned by several members of Parliament.

Major Lloyd George, representing

B&K Defense Case 'Strong,' Lawyers Say

B & K, Para. Will Argue Contention May 21

Balaban & Katz and Paramount will have "a strong case" when they go before the Federal District court in Chicago on May 21 to make their exceptions to the report of Master in Chancery Edgar Eldredge which held that Paramount's Chicago theatre subsidiary had violated its 1932 consent decree with the Government, industry attorneys stated yesterday after studying copies of the Eldredge report.

The report found that B. & K. had overbought during the 1936-'37 season and held that by so doing in that instance had contributed to restraint of trade in first run exhibition in Chicago in violation of the decree. Eldredge stated in his report that no proof had been presented at the hearings last Summer and Fall that B. & K. was not overbought.

Attorneys here said that the strength of B. & K's case centers on the latter statement which, apparently

U.S. Queries Wobber On West Coast Policy

Herman Wobber, sales head of 20th Century-Fox, was questioned closely yesterday during a pre-trial examination in the Government's "key" anti-trust suit on West Coast theatre and distribution policies of Paramount and 20th Century-Fox.

Wobber, who was Western sales division manager of Paramount from 1916 to 1932, described the first run situation of that company in five key western cities during his tenure. He attributed Paramount's theatre acquisition

May 31 Date Set on Majestic Objections

CHICAGO, April 30.—Federal Judge Barners today gave creditors of Majestic Radio & Television Corp. until May 31 to file objections to the confirmation of the reorganization plan which he approved yesterday.

The proposed reorganization would give Allen B. DuMont Laboratories, Paramount's television affiliate, an opportunity to acquire up to 25 per cent of the stock of the reorganized company and designate management.

◀ Purely Personal ▶

DR. A. H. GIANNINI plans to leave for the Coast tomorrow.

DAVID O. SELZNICK plans to remain in New York at least another week before returning to the Coast.

MAURICE SILVERSTONE, United Artists chief executive, is expected back from the Coast on Monday.

DAVID BERNSTEIN, WILLIAM A. SCULLY, CHARLES E. MCCARTHY, JOHN D. HICKS, GEORGE WELTNER, BARNEY BALABAN, MAX DREYFUS, OWEN DAVIS, LEON NETTER, GEORGE SKOURAS and TOM CONNORS at Nick's Hunting Room in the Astor for lunch yesterday.

CHARLES HULBERT, manager of the Lee, Richmond, Va., and Mrs. HULBERT leave May 12 for a vacation in Florida. KEITH CAUDLE will substitute in HULBERT's absence.

FLORINE BAUER, former secretary at the Poli, New Haven, has been promoted to the Poli New England division secretarial staff, succeeding HELEN ELDER, resigned.

J. M. FRANKLIN, head of the Franklin & Herschorn circuit, St. John, N. B., is back from a four-month vacation at Miami Beach with Mrs. FRANKLIN.

JOSEPH SEIDELMAN, SAM CITRON, BUDD ROGERS, A. CHRISTIE, JOSEPH MALCOLM and JACK MILLS lunching at Bob Goldstein's Tavern yesterday.

MURRAY KAUFMAN, executive of the Strand Amusement circuit in Bridgeport, Conn., was injured in an automobile collision.

ALEC MOSS, VINCENT TROTTE, RALPH COHN, PHIL BAKER, I. E. LOPERT and ARTHUR KRIM lunching at Sardi's yesterday.

SAM FORGOSTON, member of the advertising production department at the M-G-M home office, celebrates a birthday today.

JACK GOETZ, ARTHUR GOTTLIEB, JOSEPH MOSCOWITZ, JOSEPH PINCUS and J. J. MILSTEIN at Lindy's for lunch yesterday.

Sponsor Children Shows

SAN FRANCISCO, April 30.—California State Theatres Association, Interfraternal Council, and Golden State Theatres are sponsoring a series of semi-monthly free admission film shows for school children. Programs are showing at the Uptown, Coliseum and other houses of the Golden State circuit. The project has the endorsement of Parent Teacher groups.

Weil Services Held

Funeral services were held yesterday at the Universal Funeral Chapel for Arthur William Weil, 59, who died on Monday after a long illness. Cremation followed at the Fresh Pond Crematory, Long Island. Weil, an authority on copyright law, was long associated with the industry.

Harmon Sees Films As an Aid to Peace

ROCHESTER, N. Y., April 30.—Francis S. Harmon, assistant to Will H. Hays, president of the M.P.P.D.A., hailed motion pictures as an aid in quelling war fever, in an address here today before the Rotary Club. The screen has made an important contribution to peace, Harmon said. He addressed the Y.M.C.A. dinner here tonight.

Pioneers' Dinner Set for Tomorrow

A race track and paddock with real thoroughbreds to use them are being set up in the Waldorf-Astoria as an entertainment feature for the Spring conference dinner of the Picture Pioneers, organization of 25-year industry veterans, being held tomorrow night.

The organization's membership now numbers more than 200 and a record turnout is expected for tomorrow night's affair. Jack Cohn, one of the founders of the Pioneers, is in charge of arrangements.

Arthur A. Lee and M. A. Schlesinger left by plane yesterday to attend the charter dinner of the Canadian Picture Pioneers at the Royal York Hotel, Toronto, tonight.

Plans to Produce Picture in Canada

MONTREAL, April 30.—Michael Powell, British producer, director and author, has conferred with Government officials here concerning the filming of a British feature in Canada this Summer. Story for the film is being written by Emeric Pressburger, author of the screenplay for "U-Boat 29." Rolland Gillett will act as associate producer; Arthur Seabourne, film editor, and William Paton, personal assistant to Powell.

Pawtucket Bans 'Cargo'

PAWTUCKET, R. I., April 30.—Following the lead of police censorship in Providence, Director of Public Safety Harry F. Curvin has banned "Strange Cargo" from the screens here. The decree came after the film had been at the Strand, M. & P. house, for two days. Curvin told Manager Al Lashway to withdraw the picture or his theatre would be closed by the police.

Canada Changes Time

TORONTO, April 30.—Most Canadian cities in Eastern Canada turned to daylight saving last weekend and the majority will maintain Summer time until Sept. 29. The only city in western Canada to change the clocks, Regina, Sask., changed to daylight time on April 14, two weeks before.

No Opera for Durbin

Universal yesterday issued a statement denying "recently published reports" that Deanna Durbin has signed to sing with the Metropolitan Opera Company. She is under exclusive contract to Universal.

Named Pa. Censor

PHILADELPHIA, April 30.—Joshua Smedley has been appointed to the Pennsylvania censor board.

Eastman Exhibit Preview at Museum

The New York Museum of Science and Industry and Eastman Kodak on Monday evening will hold a preview of the Eastman Historical Photographic Collection, illustrating the growth of photography in the RCA Building. Dr. Walter Clark will give a brief talk on the collection at 8:15 P. M. The exhibit, which will be open to the public beginning Tuesday, will be part of the Museum's regular exhibits, and will continue throughout the Summer.

Known as the most comprehensive on the subject of photography, the collection consists of the Cromer collection recently acquired from Paris by Eastman Kodak, and the company's own collection. Included are examples of devices used in the pre-photography era, items relating to the work of Niepce and Daguerre, wet collodion outfits, albumen prints, 19th Century candid and miniature cameras, and material showing the development of modern film and camera equipment.

Examples of the latest model cameras and equipment are included to indicate the high point of achievement reached today in the development of the photographic art.

Open Loew World's Fair Booth Monday

The Loew-M-G-M World's Fair Information Booth in Times Square will be reopened formally on Monday with civic officials and Fair representatives, including a band, participating. Reopening of the Fair is set for May 11.

Last year the three attendants at the Booth supplied information to about 1,000,000 persons. Maps and pamphlets of the city and all exhibits at the Fair are provided. Also in service will be the registry system by which those listed can be located easily by friends.

The Booth itself is within a miniature replica of the Fair's perisphere. A 42-foot trylon is adjacent.

Newport Musicians

Set E. M. Loew Pact

NEWPORT, R. I., April 30.—An agreement has been reached between E. M. Loew's Paramount here and the Newport musicians' Local 529, covering the use of union members for stage presentations and other work requiring orchestras. E. M. Loew and Joseph Arcieri, head of the union here, conducted the negotiations.

Head Rochester Units

ROCHESTER, April 30.—Harold G. Martz, Capitol Theatre manager, has been named vice-president of the new West Main Street Improvement Association. William H. Cadoret of Monroe Amusements, Inc., has been named director of the Rochester Convention and Publicity Bureau.

Hearings Delayed

Creditors' hearings on Educational Pictures Corp., scheduled for yesterday, were postponed to May 14 by Referee John E. Joyce. An application to vacate the designation of James A. Davidson as trustee will be heard today by Federal Judge Vincent T. Leibell.

Newsreel Parade

Pictures of the German invasion of Scandinavia, censored by the Nazi Government, are included in the new issues of News of the Day and Movietone News. The reels and their contents follow:

MOVIETONE NEWS, No. 67—Scandinavia invaded by German troops; lanes and ships; Copenhagen surrenders; se-volt ends Warm Springs vacation; de France set to sail. U. S. freighter arrives from Trondheim. Select "American Mother of 1940." Lew Lehr. Penn relays. Drake races at Des Moines. Wood Memorial race. Water skiing championships. Coeds in water ballet.

NEWS OF THE DAY, No. 265—Invasion films. Royal Air Force returns from Norway. Freighter arrives from war-zone. Roosevelt leaves Georgia. Queen of Golden Gate Exposition is named. World's Fair set for reopening. Water ballet. Penn relays.

PARAMOUNT NEWS, No. 70—Polish refugees and children of American diplomats arrive from Europe. LaGuardia launches "cleanup" drive on Broadway. Select Frisco Fair's "theme girl." Penn Relays in Philadelphia. Drake Carnival in Des Moines. Water skiing. Roosevelt leaves Warm Springs. Pre-convention presidential candidates: Thomas E. Dewey returns from Coast; R. A. Taft is possible favorite; Vandenberg with Dutch dancing girls, and Wendell Willkie, the "dark horse."

RKO PATHE NEWS, No. 82—Roosevelt returns to Washington. Seaman describes Norse invasion. LaGuardia in cleanliness crusade. World's Fair preview. Pick theme girl for Frisco Fair. Penn Relays. Wood Memorial horse race.

UNIVERSAL NEWSREEL, No. 871—Belgium prepares to repel invasion. Roosevelt returns to Washington. Launch new Navy destroyer. Exiles arrive from war zone. Ile de France set for war-zone dash. Shoe fashions. World's Fair preview. Select "theme girl" for Golden Gate Exposition. Baby Sandy wins magazine award. Water skiing in Santa Barbara. Penn Relays. Wood Memorial.

Legion Approves Nine New Pictures

Nine new films were approved this week by the National Legion of Decency, five for general patronage and four for adults. Pictures and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Grandpa Goes to Town," "Hi-yo Silver," "One Million B.C.," "Radio Ranch," "Tomboy." Class A-2, Unobjectionable for Adults—"Bad Boy," "Captain Moonlight," "Charlie Chan's Murder Cruise," "Forty Little Mothers."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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It's a toss-up!

20 MULE TEAM or VIVA VILLA?

Which is greater!

they're both great pictures!



Let's put it this way:

**"20 MULE TEAM" IS
ANOTHER "VIVA VILLA"**

and it's positively

Wallace Beery's greatest role!



"20 MULE TEAM"

Starring

WALLACE BEERY

with Leo Carrillo
Marjorie Rambeau • Anne
Baxter • Douglas Fowley
Screen Play by Cyril
Hume, E. E. Paramore and
Richard Maibaum • A
Metro-Goldwyn-Mayer
Picture • Directed by
Richard Thorpe • Pro-
duced by J. Walter Ruben

This is a new M-G-M thriller to take rank with the biggest outdoor pictures you ever played. Filmed in the awesome sweep and majestic splendor of Death Valley with a cast of thousands. Here are mule skimmers with whips cracking, claim jumpers with guns blazing, tinhorn gamblers, Indian swamper, crooks prospecting for easy pickings. All the wild, wicked, wanton drama of early California's lusty lore with Wallace Beery in a luscious role packed with power and racy humor. It's got the kick of 20 mules!

B & K Defense Case 'Strong,' Lawyers Say

(Continued from page 1)

ly, determined the finding that the decree had been violated. The attorneys contend that the record of the hearing contains ample evidence and prove that B. & K. had not overbought, but had contracted for and used an essential film supply. The exceptions to the report to be made to the court, they believe as a result, will center mainly on the record of the hearings.

Industry attorneys emphasized that the report exonerated all major distributors of the charge of conspiracy and that, in fact, Master in Chancery Eldredge had found that competition among the distributors was not only open but "severe." All distributors, in consequence, were found not guilty of any violation of the decree.

Parliament Debate Hits Distributors

(Continued from page 1)

Sir Andrew Duncan, president of the Board of Trade, made his statement in reply to questioning by Neil MacLean, who foresaw British theatres acquired by American interests as a result of war conditions and present trading methods.

Major George, answering a plea for regulation of film rentals, said they were being considered in framing of new film legislation and that he is ready to listen to any proposals. Distributors were accused during the discussion of sweating exhibitors and manipulating tax returns.

The Government spokesman admitted that the rentals on "Gone With the Wind" are considerably higher than usual, but said they are the same as in the United States and that he has no power to intervene. Sir John Simon, Chancellor of the Exchequer, agreed with contentions that the distributor should bear various charges and not the producer exclusively. He was replying to pleas for regulation of the procedure whereby U. S. distributors allegedly assess negative costs to eliminate taxable profits.

The Cinematograph Exhibitors Association fight on rentals continues, with Sam W. Smith, newly elected president of the Kinematograph Renters Society, writing to Harry P. E. Mears, C.E.A. head, deploring the C.E.A.'s recent personal attack on Sam Eckman, M-G-M British head, and indicating that such a line of procedure makes impossible the calling of joint conferences between the two trade bodies.

The C.E.A. plans tomorrow to ask Eckman whether the Associated British circuit is paying 70 per cent rental for "Wind," and charging higher admissions for the film.

Mannix, Asher Arriving

HOLLYWOOD, April 30.—Edward J. Mannix and Irving Asher, M-G-M production executives, left tonight for New York by American Airlines en route to London. They had delayed their departure since last Friday.

See 'Rebecca' Run at Hall Aiding Initial Subsequents

(Continued from page 1)

John J. O'Connor, vice-president in charge of RKO Theatres, expressed the opinion that the six-week run at the Music Hall would not hurt initial subsequents chiefly because New York has such a tremendous potential film audience, and the Music Hall draws a large number of out-of-town visitors. But he indicated his belief that such a long run in a smaller city would have an adverse effect on subsequent run grosses. With regard to the unique New York situation, the heavy advertising of the Music Hall run should help the subsequents, O'Connor declared.

Helped New Jersey Houses

The long run at the Music Hall is credited by Walter Reade with being responsible for an increase in grosses for "Rebecca" in several of his theatres in New Jersey, where the film is currently playing. Reade believes that subsequents within a radius of 75 miles of New York will benefit from the long Music Hall run, but not those in the immediate vicinity of that theatre.

Laurence Bolognino of Consolidated Amusement Enterprises and Joseph Springer of Century Circuit expressed the opinion that the later subsequents would be hurt by the Music Hall run of "Rebecca" because of the large number of people who will have seen the film by the time it finishes its initial subsequent engagements.

Harry Gold, United Artists vice-president and Eastern general sales manager, expressed surprise that a record-making run of a picture at the Music Hall could be viewed by any one as having an adverse effect on its subsequent runs in the Metropolitan area.

"There are numerous proofs within the experience of every theatre operator that the contrary is true," Gold said. "The most nearly comparable example is 'Snow White,' which has held the long-run record at the Music Hall up to now. Its record in the subsequent runs was just as remarkable and on top of that it played repeat engagements in many neighborhood theatres. In my opinion, no small part of its drawing power in the Metropolitan area was derived

'Rebecca' Held After 'Son' Is Advertised

The decision to continue "Rebecca" a sixth week at the Music Hall is one of the very few instances where it was decided to hold a film an additional week after a final week had been advertised and the next attraction listed.

The Music Hall has published an advertisement "regretting" any patron inconvenienced because the current week had been advertised as "final," and explaining that the business of the first four days of the fifth week was such as to make a sixth week necessary, following general theatre practice. "My Son, My Son" is set definitely for May 9.

from the unusual reception it received during its long run at the Music Hall.

"In our own experience, the same thing has been true of Charlie Chaplin pictures. All of them have had extended first runs and all of them have done excellent business in the neighborhood theatres subsequently."

Sees Cumulative Effect

"'Rebecca' is a picture with all of the elements of universal appeal," Gold said. "The patronage for such pictures is virtually unlimited. The greater the number of people to see it at the Music Hall, the greater the number who will be giving it word-of-mouth advertising for weeks and months to come."

Gold pointed out that the Music Hall record is being duplicated by the picture in every section of the country, and that extended playing time is being given the picture in every contract that has been written so far.

"Rebecca" has played seven and one-half weeks in Miami, he said, seven weeks in San Francisco and Montreal, six in Atlantic City, Philadelphia and Los Angeles, five in Seattle and Chicago, four in Toronto and Ottawa, and three in Oklahoma City. In none of these cities has the run been concluded yet, he said.

Bonwick Succeeds T. P. Loach at Pathe

(Continued from page 1)

Kenneth Young was reelected president and M. M. Malone secretary.

At the annual stockholders' meeting, held before the directors' session, the eight directors were reelected by 70 per cent of the outstanding stock. They are: Robert R. Young, Kenneth Young, T. J. Davis, Henry Guild, Charles A. Stone, Robert McKinney, Louis Phillips and Allan P. Kirby.

Barnett Is Partner

Massce & Co., film forwarders, have changed the corporate name to Massce & Barnett Co., Inc., honoring William Barnett, vice-president, who has been with the company 25 years, and is now a partner.

U. S. Queries Wobber On West Coast Policy

(Continued from page 1)

sitions in the early 20's to a realization that the exhibition field was more profitable than either distribution or production.

In 1926 Paramount erected a number of theatres in the West equipped with standard size stages because Paramount officials felt then that stage shows would prove a box-office "magnet," Wobber stated. Other theatre purchases were made to offset theatre acquisitions of Fox Film Corp., he said.

Jesse Lasky's efforts in 1926 to sell pictures individually proved "a miserable failure," Wobber stated. "We found that exhibitors who couldn't rely upon us for quantities of pictures didn't come to us for individual films," Wobber asserted.

Government Asks to See Sales Books

(Continued from page 1)

neys stated. The Government, however, is applying for the order for an inspection because of the necessity of preparing for trial, it was explained.

An inspection not only of "memoranda, correspondence and other written communications," of negotiations and performance of contracts is sought by the motion but also of similar records relating to a refusal by any defendant to license or negotiate the licensing of films to any of the 69 theatres listed.

Independents Named

The application named 11 independent exhibitors allegedly affected by discriminatory practices. Largest of these is Columbus Stamper with seven Philadelphia theatres, the Forum, Frankford, Nixon, Roosevelt, Tower, Rivoli and Great Northern. The first five of these houses have been acquired by Warners, the notice of motion stated.

Also named was William Goldman, owning the Band Box in Philadelphia; Hippodrome, Strand and Victor in Pottstown; and the Hi-Way in York. Warners' Terminal Theatre, formerly owned by Goldman is also named. Others listed were: David Milgram, Bluebird, Howard, Rialto, Temple and Walton, Philadelphia, and Garden, West Chester; Harry Fried, Suburban in Ardmore, Seville in Bryn Mawr, Anthony Wayne in Wayne; Allen M. Benn, Belmont and Benson, Philadelphia; Herbert Elliott, Fern Rock, Philadelphia; George T. Graves, Carman, Philadelphia; Harry Perelman, Lehigh and West Allegheny, Philadelphia and the Yeadon in Yeadon; and David Shapiro, Admiral, Philadelphia.

Cite 46 Warner Theatres

Charles Segall with the Bromley in Philadelphia and Henry Friedman with the Lansdowne in Lansdowne were named with a notation that these theatres were later owned by Warners.

In addition to the independents, the Government specifies 46 Warner houses and one theatre owned by Loew's. Krieger's affidavit states that the Government will depend primarily upon the records and contracts to prove discrimination in favor of Warners by a comparison of licensing terms.

Dedence will also be placed by the Government on a comparison of the manner in which the majors have dealt with certain theatres before and after these houses became affiliated with Warners, Krieger added. The Government will offer proof of the manner in which Warners either acquired or attempted to acquire an interest in certain independent houses, the affidavit declared.

Reisinger to New Haven

William Reisinger, assistant at Loew's Dayton, has been appointed manager of Loew's Poli Bijou in New Haven by Joseph R. Vogel, circuit executive. Tom Delbridge, assistant at Loew's, Norfolk, succeeds Reisinger in Dayton.

Business Will
when they



Bing
CROSBY

IF I HAD MY

with

Charles WINNINGER
EI BRENDAL

Allyn Joslyn • Claire Dodd • Nana Bryant

and these famous favorites of all time—

Eddie Leonard • Trixie Friganza • Grace LaRue
Julian Eltinge • Blanche Ring

Screenplay by
William CONSUMER and James V. KERN
Original Story by David Butler,
William Connelman and James V. Kern

Produced and Directed by **DAVID BUTLER**

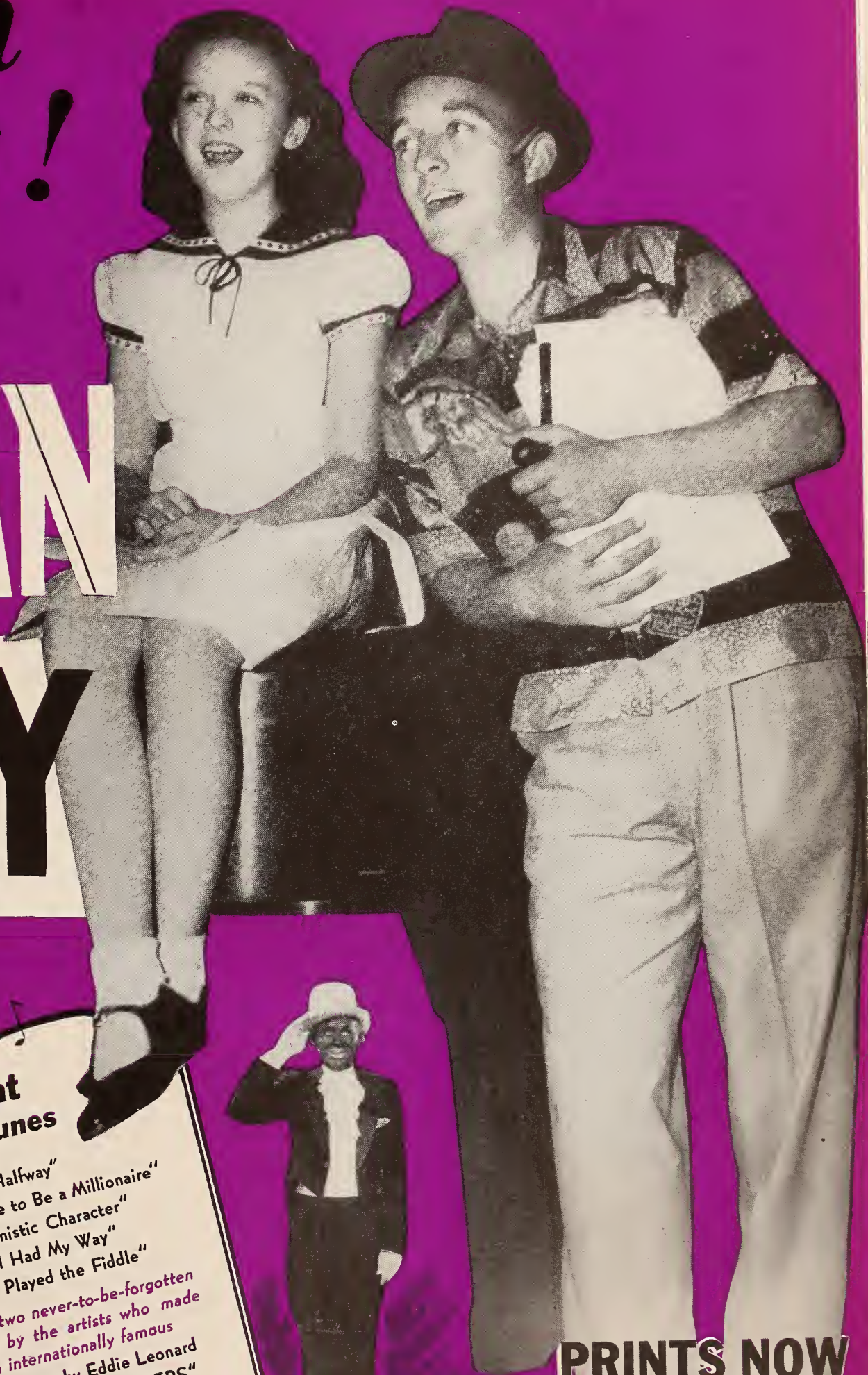
A NEW UNIVERSAL PICTURE!

Hum Sing!

Gloria

JEAN

WAY



5

**great
new tunes**

"Meet the Sun Halfway"

"I Haven't Time to Be a Millionaire"

"Pessimistic Character"

"If I Had My Way"

"April Played the Fiddle"

and these two never-to-be-forgotten
hits, sung by the artists who made
them internationally famous

"IDA"... sung by Eddie Leonard

"RINGS ON MY FINGERS"
...sung by Blanche Ring

Original Music
and Lyrics by
James V.
Monaco and
Johnny Burke



PRINTS NOW
in your U Exchange
for Screenings!

Four Advertisers Give CBS 32.6% Increase in 1940

The four leading classifications among CBS advertisers gave the network an additional 32.6 per cent of business during the first quarter of 1940 as compared with the same period last year, a breakdown of the first three months' figures revealed yesterday.

Food and food beverages, the leading classification, spent 69.9 per cent more than last year; drugs and toilet goods, in second place, rose 14.8 per cent; the tobacco industry, in third place, rose 11.6 per cent, displacing laundry soaps and household supplies, which dropped to fourth place.

The other classifications, in the order of the amount of business they placed with CBS, were lubricants, automobiles, confectionery and soft drinks, financial and insurance, jewelry and silverware, radio and phonographs, paints and milling.

May Elect Money Quota at Year End

LONDON, April 30.—American distributors may elect at the end of the quota year to take either the usual footage quota or the new supplementary monetary quota just decreed by the British Government, it is understood.

The monetary quota, sought for a long period by the American distributors, was accepted this week by the Americans in a notification to Sir Andrew Duncan, president of the Board of Trade. The new arrangement affects only features.

The original footage quota remains at 22½ per cent, with the monetary arrangement in effect as of April 1, last, and running concurrently with it. Under the monetary quota each American distributor will be required to obtain one British feature for every 100,000 feet of feature films imported. A leeway of 10,000 feet is allowed, so that a second British feature need not be acquired if the imported footage totals 109,000 feet, for example.

The labor costs on the British film must equal £3 per foot. American distributors must invest an amount equal to 29 per cent of their imported footage.

Appeal Committee Plans Annual Meet

A committee luncheon of the Amusement Division of the United Jewish Appeal, of which David Bernstein and Major Albert Warner are co-chairmen, will be held tomorrow at the Hotel Astor. Plans for the annual appeal luncheon May 23 will be discussed. Expected to attend are Leopold Friedman, Herman Robbins, Nate Spingold, Arthur Israels, A. P. Waxman and Harry H. Buxbaum.

NBC Group to Dance

The NBC Athletic Association will hold its annual dance and entertainment at the Hotel Pennsylvania Roof on Friday, May 10.

RADIO BREVITIES

BELMONT PARK track officials have consented to the televising of races at the forthcoming meeting. W2XBS will have a preview on May 9 and will alternate racing telecasts with baseball games for afternoon programs thereafter. In England, telecasts of big races were highly successful and were major attractions in newsreel theatres where prices as high as \$5 per seat were obtained.

Television program directors here are still puzzled about the way to handle racing telecasts. Only two cameras will be used here, as compared with three in England. It is also feared that it will not be practicable to do an entire afternoon's racing program because there is such a long wait between races. If one camera were to be placed in position to show the horses being saddled, it would leave only one camera for the actual race.

Personalities in the News

Philip L. Barbour, director of foreign press and station relations for the NBC international division, will discuss "Building Inter-American Interests for Radio" before a luncheon meeting of the Kentucky Women's Clubs today at the Barclay Hotel. . . . Fulton Lewis, Jr., Mutual commentator, is now heard over more than 100 stations. . . . Weber & Fields will be guests on the "Gay Nineties Revue" over CBS, Saturday, May 11, at 10:30 P. M. The program will be devoted to the new 20th Century-Fox film, "Lillian Russell." . . . Jane Wyman and Ronald Regan will be guests on "Little Old Hollywood" over NBC. They appear in Warners' "An Angel from Texas."

Zenith Awaits F-M

Zenith Radio Corp. will introduce a line of frequency modulation receivers when the F. C. C. fixes standards for F-M. E. F. McDonald, president, says no progress had been made in television during the past 18 months.

Sneak Previews

Borrowing a successful technique from the films, KGO and KPO, San Francisco are now using "sneak previews" for untried radio programs. Following the film method very closely, the new show is put on the air unannounced except to advertising agency men and prospective sponsors, and listeners are requested to write their criticisms and constructive sug-

gestions for the program. It is judged both by the volume and character of the mail response.

Television Anniversary Show

NBC will present a two-hour television variety show in celebration of the start of its second year of regular programming tonight from 8:30 to 10:30. Lowell Thomas, the television newscaster, will act as master of ceremonies. The eight numbers on the program include Alicia Markova and Anton Dolin, ballet dancers; a fashion show sponsored by Franklin Simon department store and Lenthieric perfumes; "Harlem Highlights," with the Berry Bros., tap dancers, Avis Andrews, vocalist, and the Peter Sisters, a harmony team; a Metropolitan Opera presentation with Edward Johnson, director, and Annamary Dickey and Leonard Warren; "The Ugly Duckling," a Walt Disney cartoon; Hildegard, a night club entertainer; "The House of Glass," a television adaptation of the radio program; and a presentation by the NBC pages and guides.

Eleanor Roosevelt on Air Again

The First Lady returned to the airwaves yesterday at 1:15 P. M. with a 15-minute program sponsored by Sweetheart Soap over NBC. In a chatty, informal manner, Mrs. Roosevelt described her general activities, including her family life, White House household affairs and her lectures. Addressed almost exclusively to women, the talk, both in tone and content, was a radio replica of her newspaper column, "My Day."

There were three commercials by Ben Grauer, one before the talk, one after, and one interruption. Mrs. Roosevelt plans to have guests on future programs. She is heard Tuesdays and Thursdays at 1:15 P. M. Mrs. Roosevelt is donating her compensation to charity.

'Wind' in Australia

First Australian run of "Gone With the Wind" opened at the St. James and Liberty in Sydney yesterday, following the premiere the previous night.

Screen Warner Short

Circuit film buyers will attend a screening of the short, "Cavalcade of Academy Awards," at Warners home office tomorrow.

Educational Programs Must Please Public, Dempsey Tells Institute

Columbus, April 30.—Nobility of purpose in no way assures a program or its sponsors that it will meet the favor of listeners, William J. Dempsey, general counsel of the F.C.C., told 400 delegates to the 11th Institute for Education by Radio here tonight.

Speaking in place of James L. Fly, chairman of the Commission, who was unable to fill the engagement, Dempsey pointed out that under the free competitive system in the radio field, radio educators, as other broadcasters, must please the public if their programs are to be a success.

Following a banquet at which Dempsey spoke, symposium discussions which began yesterday were continued. The educators spent the day witnessing a demonstration of classroom broadcasting and evaluating it. The three-day meeting concludes tomorrow with a general session.

NBC Is Seeking Sponsored Film Programs to S.A.

(Continued from page 1)

eral Hollywood programs with the advertising of an institutional character and the remaining four would be divided among the eight major companies as sponsors of particular films or general company product. Under this setup, there would be 156 institutional programs and 26 each of the majors per year.

Cost of the program would be \$95 weekly to each company for time. The program material would originate in Hollywood where it would be transcribed and shipped East. After being broadcast here, it could be sent to local South American radio stations where it could be re-broadcast in accordance with the local release schedule.

Six Hollywood Programs

At present, NBC short waves six 15-minute programs which feature Hollywood news. Each is in a different language—English, Italian, German, French, Portuguese and Spanish. Occasionally guests appear on these programs, but most of them consist of film and Hollywood news items furnished by the M.P.P.D.A. In the past six months, NBC has filled requests for 17,000 photographs of stars, officials declare. Many letters contain requests for more than one photograph.

Short wave mail generally runs about 40,000 letters per year but is running about 25 per cent ahead of that figure this year, it was said. The increase this year does not include 23,000 letters received as a result of the broadcast of the Louis-Godoy fight.

Louis, Godoy Popular

Announcement of another Louis-Godoy bout for June has aroused considerable enthusiasm at NBC because it is felt that a sponsor can be found without much trouble. Standard Oil of New Jersey sponsored the last match.

Principal opposition to film sponsorship of short wave programs has come from Latin American representatives of major companies. It is feared that increased expenditures here may cut down the advertising budgets for local offices.

Walsh Resigns as President of Netco

(Continued from page 1)

a number of years ago and have been operated by the latter since. The Paramount at Stapleton, S. I., has been operated by Si Fabian for some years past and recently Netco's operations in Middletown, N. Y., were turned over to Fabian. A pooling deal for Netco's Glens Falls, N. Y., houses is under consideration now.

Walsh said he would announce his future plans following a brief vacation.

Paramount officials said that no successor to Walsh would be named immediately. Presumably, Harold Greenberg, Walsh's assistant, will be in charge for the time being of the Poughkeepsie and Peekskill operations, headquarters of which were moved to the Paramount home office on Monday.

Eugene Levy continues in charge of the Newburgh operations.

'Date' Draws Good \$17,500 To Lead Hub

BOSTON, April 30.—"It's a Date," playing a second week at the Keith Memorial drew \$17,500, while another holdover, "Strange Cargo," at Loew's State and Orpheum, totaled \$30,000. The weather was rainy all week.

Estimated takings for the week ending April 24:

"North Sea Patrol" (Alliance)
 "Rancho Grande" (Rep.) (4 days with vaudeville)
 "My Little Chickadee" (Univ.)
 "Honeymoon Deferred" (Univ.) (3 days)
 KEITH BOSTON—(3,200) (25c-35c-40c).
 Gross: \$12,000. (Average, \$8,000)
 "It's a Date" (Univ.)
 "Viva Cisco Kid" (20th-Fox)
 KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$17,500. (Average, \$16,000)
 "Dr. Cyclops" (Para.)
 "Stardust" (20th-Fox)
 METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$14,000. (Average, \$15,500)
 "Virginia City" (W. B.)
 "Call Philo Vance" (W. B.)
 PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$8,000. (Average, \$7,500)
 "Virginia City" (W. B.)
 "Call Philo Vance" (W. B.)
 FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: \$6,000. (Average, \$4,500)
 "Three Cheers for the Irish" (W. B.)
 "Of Mice and Men" (U. A.)
 SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$4,000. (Average, \$4,000)
 "Strange Cargo" (M-G-M)
 "And One Was Beautiful" (M-G-M)
 LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$14,000. (Average, \$12,000)
 "Strange Cargo" (M-G-M)
 "And One Was Beautiful" (M-G-M)
 LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross: \$16,000. (Average, \$17,500)

'Apollo' Is Detroit High with \$19,500

DETROIT, April 30.—"Johnny Apollo" and "Star Dust" grossed \$19,500 at the Fox, while the Michigan reported \$14,000 with "My Son, My Son!" and "Three Cheers for the Irish." Others did only fair business.

Estimated takings for the week ending April 25:

"It's a Date" (Univ.)
 "Half a Sinner" (Univ.)
 ADAMS—(1,600) (15c-50c) 7 days. Gross: \$4,500. (Average, \$5,000)
 "I Take This Woman" (M-G-M)
 "Remember the Night" (Para.)
 FISHER—(2,700) (15c-55c) 7 days. Gross: \$5,000. (Average, \$7,000)
 "Johnny Apollo" (20th-Fox)
 "Star Dust" (20th-Fox)
 FOX—(5,000) (20c-55c) 7 days. Gross: \$19,500. (Average, \$15,000)
 "My Son, My Son" (U. A.)
 "Three Cheers for the Irish" (W. B.)
 MICHIGAN—(4,000) (15c-55c) 7 days. Gross: \$14,000. (Average, \$12,000)
 "Rebecca" (U. A.)
 "The Ghost Comes Home" (M-G-M)
 PALMS—(2,000) (15c-40c) 7 days. Gross: \$6,000. (Average, \$7,000)
 "Pinocchio" (RKO)
 "Millionaire Playboy" (RKO)
 UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$8,500. (Average, \$10,000)

Limit Child Attendance

COLUMBUS, O., April 30.—An emergency ordinance has been introduced in the City Council making it illegal for children between the ages of six and 16 to be in any theatre or place of amusement between 8 A.M. and 1 P. M. except during school vacation periods, and prohibiting children under 10 from remaining in a place of amusement after 9 P.M. unless chaperoned. For a child under 16 but over 10, the zero hour would be 10:30 P.M.

Hollywood Review

"If I Had My Way"

(Universal)

HOLLYWOOD, April 30.—Universal herewith co-stars Bing Crosby, whose latest picture is "Road to Singapore," and Gloria Jean, young singer who made quite a hit in her only other vehicle, "The Under-Pup," in a comedy which gives them ample opportunity for musical numbers. Produced and directed by David Butler, who also worked on the story, the picture has nine musical numbers in its 90 minutes.

Supporting the stars are Charles Winninger, El Brendel, who scores in dialect; Allyn Joslyn, Claire Dodd, Moroni Olsen, Nana Bryant, Donald Woods, Kathryn Adams, Brandon Hurst, Emory Parnell, Verna Fetton, Barnett Parker, Joe Whitehead and Del Henderson. The climax comes at a "Gay Nineties" night club, with Eddie Leonard, the old time minstrel man; Blanche Ring, who does her famous "Bells on Her Fingers" routine; Paul Gordon, Trixie Friganza, Julian Eltinge, Grace La Rue and Six Hits and a Miss participating. The preview audience greeted wildly the return of the old timers, and applauded the picture at its finish.

William Conselman and James V. Kern wrote the screenplay from a story written by them in collaboration with Butler. The plot has the father of Gloria Jean killed on a bridge construction job. Crosby and El Brendel seek out her rich uncle, but are spurned by him in their efforts to have him take care of the girl. The girl's great uncle, an ex-vaudevillean, takes the girl. Brendel buys a night club from an old friend, who bilks him, and efforts to establish it on a paying basis form the rest of the story. There is no love interest in the film.

Titles of the songs used are "Meet the Sun Halfway," "I Haven't Time to Be a Millionaire," "Pessimistic Character," "April Played the Fiddle," "If I Had My Way," "Little Grey Home in the West," "Ida," and "Rings on My Fingers."

Running time, 90 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Star to Broadcast At 'Wife' Premiere

Irene Dunne, star of RKO's "My Favorite Wife," will be interviewed by A. A. Daugherty of the Louisville Times, from an airplane circling over the Southern city, when she arrives there from the Coast tomorrow for the opening of the film at the Rialto on Thursday. She and other Coast players will participate in a Stephen Foster Memorial Celebration at Bardstown, Ky., on Friday. The group also will attend the Derby on Saturday.

Elaborate preparations have been made for the celebration in conjunction with the premiere. Leaving here today for the festivities will be George J. Schaefer, RKO president; Ned E. Depinet, vice-president; S. Barret McCormick, director of advertising and publicity, and Sam and Bella Spewack, authors of the film's screenplay. In the Hollywood group will be Producer Leo McCarey, Director Garson Kanin, Gene Fowler, author and scenarist; Hal Roach, Director David Butler, Dr. Francis Griffin, Miss Dunne's husband, Miss Margaret Etinger and Perry Lieber, RKO studio publicity chief.

Approve New Theatre

VANCOUVER, B. C., April 30.—The City Council's License Committee gave assurance of approval for licensing a 1,200-seat theatre in the downtown theatre district. This will result in early start on plans for the construction of a \$75,000 theatre building by Vested Estates, Ltd., owners of business property.

'Edison' Montreal Winner at \$9,200

MONTREAL, April 30.—"Young Tom Edison" at Loew's scored \$9,200 which included a considerable number juvenile admissions.

Estimated takings for the week ending April 26:

"It All Came True" (W. B.)
 "The Lone Wolf Strikes" (Col.)
 CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$5,500. (Average, \$8,000)
 "Gone With the Wind" (M-G-M)
 HIS MAJESTY'S—(1,700) (75c-1.13) 2 days. Gross: \$1,000.
 "Young Tom Edison" (M-G-M)
 LOEW'S—(2,800) (25c-30c-40c-60c) 7 days. Gross: \$9,200. (Average, \$8,000)
 "Rebecca" (M-G-M)
 ORPHEUM—(919) (25c-35c-50c) 7 days, 5th week. Gross: \$2,800. (Average, \$5,000)
 "Too Many Husbands" (Col.)
 PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$7,200. (Average, \$10,000)
 "Green Hell" (Univ.)
 "South of the Border" (Rep.)
 PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$4,100. (Average, \$5,000)

'Rebecca' Smash \$11,400 in Omaha

OMAHA, April 30.—"Rebecca," single featured at advanced prices, pulled a fine \$11,400 at the Omaha. Rainy weather and high school plays hurt business generally.

Estimated takings for the week ending April 24-25:

"Primrose Path" (RKO)
 "Millionaire Playboy" (RKO)
 BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$4,400. (Average, \$4,000)
 "Rebecca" (M-G-M)
 OMAHA—(2,200) (25c-35c-50c) 7 days. Gross: \$11,400. (Average, \$6,000)
 "My Little Chickadee" (Univ.)
 "Slightly Honorable" (U. A.)
 ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,200. (Average, \$7,200)

The CROOKED ROAD

with
EDMUND LOWE • IRENE HERVEY
HENRY WILCOXON • PAUL FIX

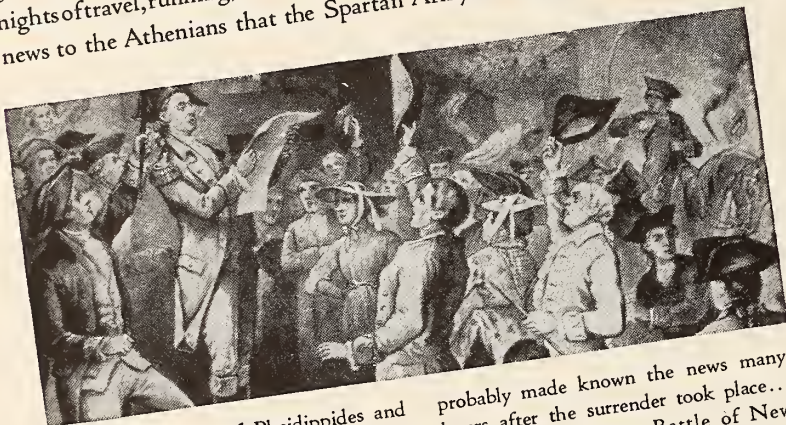
Directed by Phil Rosen
A REPUBLIC PICTURE

"You old rascal! It would serve you right if I persuaded her to elope with me!"

PHEIDIPPIDES STARTED IT IN 490 B.C.

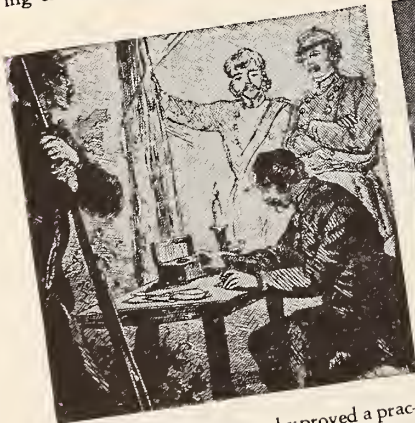
(B.C. HAD NO NBC)

Pheidippides, in 490 B. C. was an Olympic champion runner. His fleetness of foot, his stamina and his courage helped him accomplish the first great feat of war reporting in history. It was he, who after two days and nights of travel, running, swimming rivers and climbing mountains, brought news to the Athenians that the Spartan Army would start at full moon.

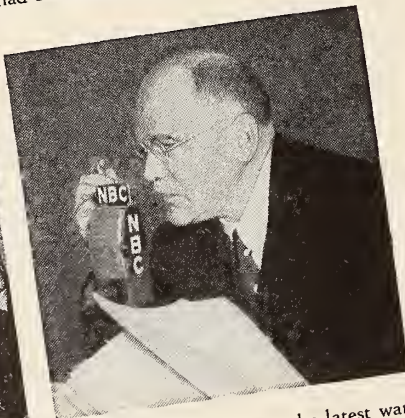


Between the days of Pheidippides and the Revolutionary War little improvement was made in swift communications. The Town Crier, here announcing to a cheering crowd the surrender of Cornwallis,

probably made known the news many hours after the surrender took place... In 1815 the famous Battle of New Orleans was fought two weeks after peace had been signed at Ghent, Belgium.



In the Civil War telegraphy proved a practical method of speedily and easily sending news. It reduced to a matter of hours what had once taken painfully long. But even telegraphy was unable to supply all the facts and details as quickly as man was eventually to receive them.



Today all America hears the latest war news in detail almost as soon as it happens, sent through space by NBC. This newscasting, which emanates from important centers at home and abroad, is an NBC public service... another of the many NBC performs in the public interest.

**NATIONAL
BROADCASTING COMPANY**
The World's Greatest Broadcasting System
A RADIO CORPORATION OF AMERICA SERVICE



Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 87

NEW YORK, U.S.A., THURSDAY, MAY 2, 1940

TEN CENTS

Ford Assails 'Harassment' Of Industry

California Representative Charges U.S. 'Attack'

WASHINGTON, May 1.—Charging that agencies of the Federal Government are engaged in a concerted attack on California, representative Leland M. Ford today declared that the two Neely bills and the recent imposition of fees by the Interior Department for the making of films on the public domain are only phases of that campaign.

The block booking bill, he asserted, will "destroy at least half of this industry in California and would throw some 30,000 or 40,000 people out of work in Los Angeles alone." There is no threat of censorship in the measure, he said, and that matter "has been entirely handled by the moving picture business, better than the handling of any other parallel conditions by any other business in the country."

The charges for picture making on the public lands are a discrimination

(Continued on page 4)

Pathe Film Quarter Net Profit \$29,632

Pathe Film Corp. yesterday reported net profit for the quarter ended March 31 of \$29,632.89. Profit before Federal income taxes amounted to \$30,492.89.

Dividend received from the DuPont Film Manufacturing Corp., of which Pathe owns 35 per cent of the common stock, was \$35,000 for the quarter. DuPont for the same quarter had a net profit, after all charges, of \$452,939, which compares with \$395,751 for the corresponding quarter of 1939.

Zanuck, Wurtzel, Goetz Due Saturday

HOLLYWOOD, May 1.—Darryl F. Zanuck, vice-president in charge of 20th Century-Fox production; William Goetz, assistant to Zanuck, and Sol Wurtzel, production executive, left here today by train for New York, where they are due Saturday.

They will attend home office product conferences, attend the premiere of "Lillian Russell" on May 15, and Zanuck and Goetz are expected to appear in the pre-trial examinations being conducted in New York in the Government's "key" anti-trust suit.

Coast ITO to Launch Conciliation May 8

Los Angeles, May 1.—Conciliation machinery to settle industry disputes the length of the Pacific Coast will be launched at the first annual convention of the Pacific Coast Conference of Independent Theatre Owners here May 8 to 10. The machinery will call for adjudication of exhibitor and distributor disputes by committees of the four component groups of the Conference. Ed Kuykendall, president of the M.P.T.O.A., will arrive here May 4 to address the convention.

Indiana Film Group Opposes Neely Bill

INDIANAPOLIS, May 1.—A resolution opposing the Neely block booking bill was adopted today at the annual meeting here of the Indiana Indorsers of Photoplays.

The luncheon meeting at the Claypool Hotel was attended by more than 600 delegates from all over the state.

Charles C. Pettijohn, general counsel of the M.P.P.D.A., addressed the meeting and, in addition, read a message from David O. Selznick expressing his regret at being unable to attend the meeting because of business engagements in New York. Selznick has attended previous meetings.

Asks Court to Void G.N. Sale to Mohawk

Federal Judge Vincent T. Leibell was asked yesterday by Gustave A. De Lemos to set aside the sale of Grand National Pictures' films to Mohawk Pictures Corp. The court reserved decision.

Mohawk had secured the G.N. films at a creditors' hearing before Referee Peter B. Olney, Jr. on March 27 with a bid of \$17,500 plus a percentage of gross receipts.

Advisory Council To Subject Ads to Sharper Scrutiny

Closer scrutiny of motion picture advertising and photographic publicity by the Advertising Advisory Council is indicated for the future as a result of a conference of advertising and publicity directors of major companies at M.P.P.D.A. headquarters yesterday.

The conference concerned recent specific examples of newspaper and trade paper advertising and some photographic material which were regarded in some quarters as not in strict conformity with the Advertising Code. Specific advertising mentioned included M-G-M's on "Strange Cargo," Columbia's on "21 Days Together" and Paramount's on "French Without Tears."

All the material cited, it was established, had been approved by the Advertising Advisory Council here. The approvals may have been either on the "too liberal" or the "careless" side, it was said, but it was not the intent of the meeting to censure so much as to caution advertising men against the danger of establishing a trend which might evoke criticism of the industry.

Initiate 22 Tonight At Pioneer Dinner

Twenty-two candidates will be initiated tonight at the Spring Conference Beefsteak of the Picture Pioneers at the Waldorf-Astoria. Approximately 200 are expected, according to Jack Cohn, house manager of the organization.

Jay C. Flippen will be master of ceremonies, and Joe Lewis and Harry Richman will head the entertainment. The prospective members are: James J. Walker, P. J. Morgan, J. S. Barker, Louis W. Schine, J. Meyer Schine, D. G. Rothacker, J. R. Mal-

(Continued on page 4)

Parley Opens For Resuming Italian Trade

Allport in Rome to Offer Compromise Proposal

LONDON, May 1.—Negotiations with Italian Government officials designed to effect an agreement which would be acceptable to American film companies and permit resumption of their business with Italy were opened in Rome today by F. W. Allport, European representative of the M.P.P.D.A., it was learned here.

Allport left here for Rome by plane early this week and is prepared to submit compromise proposals to Italian Government officials as well as to receive and study new proposals which have been developed in Rome.

It is understood that a compromise on the basic question of currency withdrawal is hoped for and that an agreement can be reached on the withdrawal of some percentage of American companies' film receipts in Italy. If a sufficiently large percentage of withdrawals is authorized, it is believed here that American companies

(Continued on page 4)

Exhibitor Gives U.S. Details on Paterson

Two grounds for complaint against distribution policies of the major defendants in the Government's anti-trust suit were related yesterday by Howard Lesser, operator of the Rivoli, Paterson, N. J., during a pre-trial examination conducted by the majors.

Lesser claimed that it was not "fair" for the Regent, two miles from his theatre, to receive seven days' clearance over the Rivoli. The Regent charges 20 cents for admission in the

(Continued on page 4)

Balaban, Agnew to Hollywood May 18

Barney Balaban, Paramount president; Stanton Griffiths, chairman of the executive committee, and Neil F. Agnew, vice-president and distribution head, will leave for the Coast about May 18 to attend the company's annual sales meeting at the Ambassador Hotel, Los Angeles, May 24-26.

Griffiths is now on the Coast but will return here about May 10. He will be a guest speaker next Monday at a meeting of Town Hall, Los Angeles business men's club, and then will go to San Francisco and New York.

U. S. Attorneys Transfer Offices Here Monday Preparing for Trial

Preparing for the June 3 trial of the Government's anti-trust suit, Paul Williams, special assistant Attorney General, and eight assistants will transfer their permanent headquarters here from Washington on Monday.

Williams' aides will be U. S. Attorneys Robert L. Wright, James Malloy, John F. Claggett, J. Stephen Doyle, James Hayes, Seymour Krieger, J. Frank Cunningham and William P. Farnsworth.

Williams has been designated as chief trial lawyer by Thurman W. Arnold, Assistant Attorney General. Wright has conducted all Government pre-trial examinations. Farnsworth has acted as head of the New York office and Krieger as a special field investigator in the suit.

Joseph M. Schenck On Fair Committee

Joseph M. Schenck, chairman of the board of 20th Century-Fox, will represent the film industry on Mayor LaGuardia's committee to plan a celebration at the opening of the New York World's Fair on May 11.

Schenck will not be in town for this afternoon's meeting at City Hall, but the industry will be represented. The name of the substitute could not be learned last night. David Sarnoff and Gen. James G. Harbord of RCA, will represent the radio industry.

RKO Final Allowance Pleas Off to May 28

Hearings on applications for final allowances in RKO reorganization proceedings were postponed yesterday by Federal Judge William Bondy from May 14 to May 28, at the request of the Irving Trust Co., trustee. The petition stated that the trustee had retained a new attorney and that additional preparation was required. Irving Trust is also applying for a final discharge as trustee.

N. J. Allied Honors Samuelson Tonight

Sidney Samuelson, charter member and former president of Allied of New Jersey, will be honored at a dinner given by the organization at the Tavern in Newark tonight, signaling his return to the board of directors. A routine meeting will precede the dinner. Lee Newbury will preside.

Purely Personal

GEORGE J. SCHAEFER, RKO president, and NED E. DEPINET, vice-president and distribution head, will go to the Coast from Louisville at the end of the week. S. BARRET McCORMICK, advertising and publicity director, will return here Monday.

NICHOLAS M. SCHENCK will leave Florida May 10 for New York.

CHARLES C. PETTIJOHN will go to Louisville from Indianapolis, where he is now, to attend the Kentucky Derby on Saturday.

JACK BENNY, JOSEPH MOSKOWITZ, J. J. MILSTEIN, JACK GOETZ, AL YOUNG, JOSEPH PINCUS, ARTHUR GOTTLIEB and WILLIAM BRANDT lunching at Lindy's yesterday.

VIRGINIA BEURMAN has been named booker's assistant to W. G. McKINNEY of H. J. Griffith Theatres, Inc., Kansas City.

SAMUEL WHITESIDE, JR., formerly in Chicago for American Seating Co., has been shifted to Kansas City.

ANDREW L. STONE, director, is in town from the Coast.

DECHANTEL SMITH, chief accountant of the Paramount exchange in New Haven, leaves this week on a two-week cruise to Cuba and Haiti.

JOE HEPNER of Metropolitan Photo Service left last night for Louisville to photograph the premiere of RKO's "My Favorite Wife."

ROBERT GILLHAM, Paramount advertising and publicity director, will leave for Chicago and Kansas City today on business, returning here Monday.

E. J. MANNIX and IRVING ASHER arrived from the Coast by plane last night. They are en route to England to study M-G-M plans for resumption of production there.

SAM SHAIN leaves Park West Hospital today after an illness.

WALTER VINCENT, ADOLPH ZUKOR, TED O'SHEA, GEORGE SKOURAS, TOM CONNORS, TOBY GRUEN, OWEN DAVIS and MAX DREYFUS at Nick's Hunting Room in the Astor for lunch yesterday.

JACK CONNOLLY, AL ALTMAN, SAM CITRON and DOUGLAS ROTHACKER at Bob Goldstein's Tavern for lunch yesterday.

LYNN STARLING, JOHN D. HERTZ, JR., EDDIE DOWLING, CHARLES SONIN, JOHN GOLDEN, JOHN BYRAM, TOM WALKER, OTTO PREMINGER and LARRY HART lunching at Sardi's yesterday.

Canadian Pioneers Frolic in Toronto

TORONTO, May 1.—Charter dinner of the Canadian Picture Pioneers at the Royal York Hotel here tonight brought together 75 veterans of the business under chairmanship of Clair Hague of Universal.

Guests of honor from the United States were M. A. Schlesinger, Arthur A. Lee and Max Levy. The festivities concluded with an old-time show and banquet organized by Archie Laurie.

Oldest "pioneer" present was James Whitham of Cornwall, who is 84 years old. A story-telling contest was won by Walter Kennedy of Toronto, with Charles Stevenson of Kitchener second.

SWG Contract Talks Resume on May 10

HOLLYWOOD, May 1.—Screen Writers Guild is scheduled to resume negotiations with producers May 10 on a collective bargaining agreement. Guild directors will meet next Monday to appoint representatives and set up its machinery.

Guild members will meet next Wednesday to consolidate proposals on points to be presented to the producers. A series of sentiment sounding caucuses are under way.

Cohan Gets Medal

WASHINGTON, May 1. — George M. Cohan received a gold medal from President Roosevelt today for composing "Over There" and "A Grand Old Flag." The decoration was authorized by Congress four years ago but Cohan never came here to receive it.

W. C. Tracy Dies

PLATTEVILLE, Wis., May 1.—W. C. Tracy, 51, Western Wisconsin exhibitor, died here today. He operated the Regent in Prairie Duchien for many years and more recently the Avalon here.

C.E.A. Claims 70% Not Paid for 'Wind'

LONDON, May 1.—A second pamphlet issued by the Cinematograph Exhibitors Association in its fight for rental reductions challenges M-G-M on the recent deal with Associated British Theatres for "Gone With the Wind," and sales of the film generally. The pamphlet insists no exhibitors or circuits in England have paid 70 per cent rental for the film.

The organization contentions the M-G-M policy on "Wind" of guaranteeing a 10 per cent profit to exhibitors in practice potentially reduces the rental to 40 or 50 per cent, and should be adopted generally.

The C.E.A. has added "Grapes of Wrath" and "Gulliver's Travels" to the list of films it considers not worth 50 per cent rental.

'Wind' Deal Closed In 3 B & K Houses

CHICAGO, May 1.—John Flynn, M-G-M district manager here, today closed a deal with Balaban & Katz Circuit for showing "Gone With the Wind" in three theatres, the Riviera, State and Tower. The run, for one week, will start June 7, on a policy of continuous showings during the day and reserved seats at night.

"Gone With the Wind" will conclude a 16-week run at the Oriental on May 17, but will continue indefinitely at the Woods on a two-a-day basis.

Lischka Leaves PCA Without Successor

HOLLYWOOD, May 1.—Karl Lischka has resigned from the Production Code Administration here, effective June 1. No successor has been appointed.

The Administration now includes: Joseph I. Breen, Administrator; Geoffrey Shurlock, Harry Zehner, Charles Metzger and Arthur Houghton.

E. C. Grainger on Trip

E. C. Grainger, general manager of Shea Theatre Corp., left yesterday by plane for Columbus, O., to take bids on a new house to be built in New Philadelphia, O. From there he will visit four recently acquired houses in Zanesville and several other Ohio towns before returning here.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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"SKY CHIEF"

NEW YORK - LOS ANGELES

Fly the air route that's shortest, fastest, coast-to-coast! Four flights daily to California—eight flights a day to Chicago! Through Skylubs and Sky-sleepers—no change of planes en route! And in June—TWA begins the new 4-Engine Boeing Stratoliner schedules!

"SKY CHIEF"

Lv. New York.....5:30 P.M.
Ar. Chicago9:10 P.M.
Ar. Los Angeles..7:25 A.M.
(All Flights Operate on Standard Time)

Call Your Travel Agent or MURRAYHILL 6-1640, 70 East 42nd St.



FAST FLIGHT FACTS:	TO	DAILY FLIGHTS	FARE
	LOS ANGELES	4	\$149.95
	CHICAGO	8	44.95
	PITTSBURGH	16	21.00

The **TRANSCONTINENTAL** Line
and Western Air, Inc.

HOT NEWS!

TORRID

ZONE

MAY 25!

WARNERS



but
GREAT!

**CAGNEY!
SHERIDAN!
O'BRIEN!**
in
"TORRID ZONE"

with
**Andy Devine • Helen Vinson
Jerome Cowan • George Tobias**
Directed by **WILLIAM KEIGHLEY**

Original Screen Play by Richard Macaulay and Jerry Wald
A Warner Bros.-First National Picture

For Showmanship? Yes, Yes!

Parley Opens For Resuming Italian Trade

(Continued from page 1)

will waive other objections to Italy's film marketing regulations and resume shipment of films to that country, even though the initial resumption of business may be only on a temporary basis.

Home office foreign departments professed to have no definite information concerning the nature of compromise proposals to be submitted either to or by Italy, but admitted that they were aware that efforts are now under way in Rome to agree upon new regulations which would be acceptable to both Italy and the distribution companies. They indicated for the most part that a fair return in cash for their product is now regarded as a decisive factor.

It was pointed out here that the companies would be amenable to resuming business in Italy on even a temporary basis, if an acceptable monetary agreement is reached, due to the new possibilities of negotiation of a reciprocal trade treaty between the United States and Italy as a result of improved relations between the two nations since the visit to Rome of Sumner Welles, Under Secretary of State.

If such a treaty materializes, it would improve conditions which the film industry might accept at the outset despite the fact that they were not wholly satisfactory.

Selwyn Sets 'Pierre'

HOLLYWOOD, May 1.—Edgar Selwyn will make "Adventures of Pierre," for M-G-M, with the same locale as "Pierre of the Plains," the play which he wrote and in which he starred in 1908. He later starred in a 1913 film version, which was remade in 1918.

A Long, Hard Day

Warners set up a unique three-way telephone connection yesterday among Charles Boyer at the Hotel Barbizon-Plaza, Anatole Litvak at the Burbank studios and Bette Davis, vacationing in Honolulu. A retake on the sound recording for "All This And Heaven, Too" was necessary and Warners decided to make the sound track by telephone with Boyer and Miss Davis 6,000 miles apart.

"It's been a long, hard day," Boyer began until it was discovered that the script he was using was a different shooting text from the one Miss Davis had, and the whole thing had to be called off.

Exhibitor Gives U.S. Details on Paterson

(Continued from page 1)

balcony and 30 cents in the orchestra, while the Rivoli gets 30 cents for all seats, Lesser said.

Lesser asserted that Warners had attempted to compel him to buy the 1939-'40 product as a condition to his obtaining the last half of the 1938-'39 product. The witness stated that he had written a complaint to the Department of Justice as a result of Warners' stand.

Later, Lesser admitted that on a second visit to Warners he was offered the 1939-'40 product without any reference to the 1938-'39 films. He conceded that he knew that the Regent was receiving 10-day protection over the Rivoli when he purchased the theatre two years ago.

Lesser stated that he was not a member of the Allied Theatre Owners of New Jersey and that he had never discussed his complaint with Government agents.

The Regent seats 1,500 and the Rivoli, 540, Lesser said.

Calls College Air Courses Useless

COLUMBUS, O., May 1.—Most college courses covering the radio field have little or nothing to offer students, Leonard Power of Washington, coordinator of research for the Federal Radio Education Committee, asserted at the closing session of the 11th annual Institute for Education by Radio at Ohio State University today.

"There's a perfect ferment of radio activities in colleges," he said. "What we need is substance in radio courses, rather than a multiplicity of courses."

Guy Hickok, manager of the NBC international division, declared that the broadcasting of news is the best way of creating listener interest since it has universal appeal. The need for more extensive and thorough research in radio education was stressed by J. Wayne Wrightstone, of the Bureau of Reference, Research and Statistics in the New York public schools. He said research in this field is "immature, inadequate, incidental and financially undernourished."

Initiate 22 Tonight At Pioneer Dinner

(Continued from page 1)

colm, Charles L. O'Reilly, Jack Bowen, W. Ray Johnston, Samuel Strausberg, Arthur Zeilm, Paul Benjamin, Oscar F. Neu, Harry M. Goetz, Frank E. Cahill, Charles W. Downs, Charles J. Sonin, Richard V. Anderson, Paul H. Terry, Joseph F. Lee and George H. Cole.

Among the executives expected to attend are: Abe Montague, Hal Hode, Dr. A. H. Giannini, Harry Buckley, Martin Quigley, Sam Dembow, Herman Wobber, Tom J. Connors, Marvin H. Schenck, Dan Michalove, Herman Robbins, Charles Moskowitz, M. A. Schlesinger, Jack Alicoate, Maurice Kann, Herman Rachmil and Isaac Patz.

Rep. Ford Assails U.S. 'Harassment'

(Continued from page 1)

against the producers, he declared.

"Is it quite possible that all this pressure is being brought against the moving picture business with the future idea in mind of coercing them to such an extent that it will have the effect of a real censorship?" he asked. "If this is true, Congress ought to remove and take out of circulation such heads of bureaus as this."

Discussing the situation in the *Congressional Record*, Ford declared that efforts are being made also to seize valuable oil fields lying under water off the California coast, to destroy the community property laws of the state and to hamper Pacific Coast industry by discriminatory water freight rates.

Pasternack Rites Today

Funeral services will be held at the Riverside Memorial Chapel at 2:30 P. M. today for Josef A. Pasternack, member of the NBC staff in Chicago, who died Monday. The body arrived from Chicago yesterday. Burial will be at Mount Zion Cemetery, Queens.

Radio Brevities

BURNS MANTLE, drama critic for the *Daily News*, and president of the New York Drama Critics Circle, and George Jean Nathan, *Newsweek* critic, will present the annual award for the best Broadway production of the year over NBC-Blue on Sunday, May 12, at 8:30 P.M. The broadcast will take place at the annual dinner at the Hotel Algonquin. Members of the cast will present scenes from the winning play.

Races on Television

NBC will televise the following races from Belmont Park: The Fashion Stakes, and the Toboggan Handicap on May 13; the Withers, May 18; the Metropolitan Handicap, May 25; the Suburban Handicap, May 30; the Coaching Club and American Oaks, June 1, and the Belmont Stakes, June 8.

Program Notes

Great Atlantic & Pacific Tea Co., after an absence from radio of more than two years, returned yesterday with a test program over three stations over the CBS New England web, WEEL, WPRO and WGAN. The program, "Musico," will be a musical quiz with cards similar to those used in bingo distributed to the air audience. Prizes of \$100 will be awarded for filling the cards and providing a title for a new composition. . . .

Bob Hawk, whose "Name Three" quiz went off Mutual last Saturday, is scheduled to return with the same show next Fall with a larger network. Hawk now is m.c. on "Take It or Leave It." . . . Philip Morris has decided to change the "Breezing Along" show which was slated to start next Sunday over CBS, to "Swin-Go," a combination audience participation quiz and musical variety show. . . .

American Cigarette & Cigar Co. has purchased four programs over WABC. It will sponsor, "Odd Side of the News," Mondays through Saturdays, at 8:25 A. M., an 11 A. M. news period on Saturdays and Sundays, a 2:55 P. M. news period on Sundays, and will have a 100-word participations in "Rising Son" Mondays through Saturdays. . . . Howard Barlow's symphony orchestra will start its fifth season over CBS May 12 as the Summer replacement for the New York Philharmonic Symphony Orchestra.

Colleges Hail "Human Adventure"

Decision of CBS to continue "The Human Adventure" during the Summer has evoked praise from educational officials all over the country. Yesterday, CBS declared that letters of commendation had been received from the university presidents of Yale, Minnesota, Indiana, Clark, Cornell, Kansas, Iowa State, Nebraska and Texas.

Mass on Short Wave

A pontifical mass celebrated this morning by Bishop Thomas H. McLaughlin at the New Jersey Armory in Paterson will be broadcast by WHOM and then transcribed by NBC, which will shortwave the program to the Vatican tomorrow. A choir of 8,000 parochial and high school singers will take part.

THEY'RE OFF!

for

"A Night at the Races"

SPRING CONFERENCE BEEFSTEAK

of the

PICTURE PIONEERS, Inc.

at the

JADE AND BASILDON ROOMS

of the

WALDORF-ASTORIA

Tonight at Seven

AMERICA'S TWO BIGGEST EVENTS THIS WEEK

TAKE PLACE AT

LOUISVILLE, KY.

...The Kentucky Derby



...and the

WORLD PREMIERE

OF THE FUNNIEST

PICTURE IN

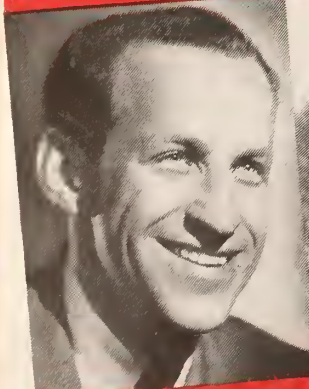
YEARS AND YEARS

IRENE DUNNE CARY GRANT

MY



LEO McCAREY
Producer-Director who
gave you "The Awful
Truth" and "Love Affair"



GARSON KANIN
who gave you
"Bachelor Mother"

FAVORITE WIFE

with

RANDOLPH SCOTT
GAIL PATRICK

A

LEO McCAREY
PRODUCTION

DIRECTED BY
GARSON KANIN

Screen play by Bella & Samuel Spewack

●
**Kiss-and-run-Cary
caught between two
blazing brides . .**

**"THE YEAR'S FIRST
GREAT COMEDY HIT,"
SAYS LOOK MAGAZINE**



MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



Book these **PARAMOUNT SHORTS** when you book your features!

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MAY 3 MAY 10 MAY 17 MAY 17
Cinecolor Stone Age Cartoon Paragrophic Grantland Rice Spotlight
POPULAR SCIENCE #5 WAY BACK WHEN A NIGHT CLUB WAS A STICK TELEVISION PREVIEW PLAYMATES FROM THE WILD

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Apr. 5	Blazing Six Shooters (O) Starrett	And One Was Beautiful (G-D) Muir-Cummings		Adventure in Diamonds (D) Brent-Miranda		Courageous Dr. Christian (G-D) Jean Hersholt	Stardust (G-D) John Payne	One Million B.C. (G-D) Lon Chaney, Jr.	Half a Sinner (D) Heather Angel	It All Came True (G-D) Sheridan-Lynn
Apr. 12	Man With Nine Lives (D) Boris Karloff	Dr. Kildare's Strange Case (D) Lew Ayres L. Barrymore	Covered Wagon Trails (O) Sky Bandits (D)	Dr. Cyclops (G-D) Albert Dekker Janice Logan	High-Yo Silver (G-O) Young Buffalo Bill (O)		Viva Cisco Kid (G-O) Romero	Rebecca (A-D) Olivier Joan Fontaine	Black Friday (G-D) House of Seven Gables (D)	King of the Lumberjacks (D) John Payne Gloria Dickson
Apr. 19	I Married Adventure (D) Osa Johnson	Two Girls on Broadway (G-C) Turner-Blondell	Tomboy (G-D) Jackie Moran Pals of the Silver Sage (O)	Light of the Western Stars (G-O) Victor Jory Jo Ann Sayers	Dark Command (D) In Old Missouri (M)	Abe Lincoln in Illinois (G-D) R. Massey Ruth Gordon	Johnny Apollo (G-D) Tyronne Power		Enemy Agent (G-D) Cromwell-Vinson	"Till We Meet Again (G-D) Oberon-Brent
Apr. 26	Doctor Takes a Wife (A-C) Ray Milland	Forty Little Mothers (A-C) Eddie Cantor	Mysterious Mr. Reader (D) Will Fyfe Kay Walsh	French Without Tears (A-C) Drew-Millard	Covered Wagon Days (O) Grandpa Goes to Town (G-C)	Curtain Call (G-D) Helen Vinson	Shooting High (G-O) Gene Autry			An Angel from Texas (C) Albert-R. Lane
May 3	Block "K" Rides Tonight (O) Bill Elliott	20 Mule Team (G-D) W. Beery Leo Carrillo	Land of the Six Gun (O) Jack Randall	Buck Benny Rides Again (C) Jack Benny	Crooked Road (D) Edmund Lowe Irene Hervey	Irene (G-D) Anna Neagle Ray Milland	So This Is London (C) George Sanders	Saps at Sea (C) Laurel-Hardy	If I Had My Way (M) Bing Crosby	Tear Gas Squad (D) John Payne Dennis Morgan
May 10		Edison, the Man (D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (C) Charlie Ruggles Janice Logan	Gaucha Serenade (O) Gene Autry Smiley Burnett	Beyond Tomorrow (G-D) Binnie Barnes	I Was An Adventuress (D) Zorina-Greene		Ski Patrol (D) Luli Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley
May 17	Babies for Sale (D) Glenn Ford R. Hudson	Waterloo Bridge (D) Robert Taylor Vivien Leigh	Kid From Santa Fe (O) Jack Randall	Typhoon (D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (D) Carole Landis Adolph Menjou	Alias the Deacon (G-C) Bob Burns Mischa Auer	Flight Angels (D) V. Bruce R. Bellamy
May 24	Isle of Doomed Men (D) Peter Lorre		Amateur Detective (D) Frankie Darro	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (C) Lucille Ball J. Ellison	Lillian Russell (M) Don Ameche Alice Faye	Our Town (D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Torrid Zone (D) Cagney-O'Brien Ann Sheridan
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Susan and God (D) Fredric March Joan Crawford	Queen of the Yukon (O)	Way of All Flesh (D) Tamiroff Gladys George		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Marriage in Transit (C) Robt. Sterling Joan Davis	La Conga Nights (M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Littel	Murder in the Air (D) Ronald Reagan John Littel
June 7	Texas Stagecoach (O) C. Starrett Iris Meredith	Phantom Raiders (D) Walter Pidgeon Florence Rice		Hidden Gold (O) William Boyd Russell Hayden		Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (D) Warner Baxter Andrea Leeds	No Exit (D) Wallace Ford Kathryn Adams	Brother Orchid (D) Ed. G. Robinson Bogart-Solhern	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks
June 14	The Mortal Storm (D) M. Sullivan Jimmy Stewart			Safari (D) Fairbanks, Jr. M. Carroll		Tom Brown's School Days (D) F. Bartholomew Sir C. Harwicke	Four Sons (D) Don Ameche Alan Curtis	Sandy Is a Lady (D) Baby Sandy Nan Gray		
June 21	Old Lady 31 (D) Virginia Grey			Those Were the Days (C) Wm. Holden		Thousand Dollar Marriage (C) L. L. Lumsden	Charlie Chan's Murder Cruise (D) Sidney Toler	I Can't Give Anything But Love, Baby (M)		Gambling on the High Sea (D) Helen MacGraw

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 88

NEW YORK, U.S.A., FRIDAY, MAY 3, 1940

TEN CENTS

Short Trust Trial Hopes Seen Fading

Consent Decree Possible After Trial Starts

Efforts to shorten the trial of the Government's New York anti-trust suit through pre-trial conferences probably will not be attempted, it was learned yesterday. Meantime, defense attorneys are exerting every effort to be ready for the trial, scheduled for June 3.

No efforts to begin pre-trial conferences are being made by either the Government or the defense. With only one month remaining before the start of the trial and with attorneys for both sides virtually overwhelmed with the preparatory details, there re-

(Continued on page 7)

Australian Money Withdrawal Report Discounted in N.Y.

Home office foreign department executives yesterday were inclined to discount a wireless dispatch to the *New York Times* from Canberra, Australia, that an agreement had been concluded authorizing American film companies to withdraw 50 per cent of their Australian revenues. The balance would be invested in Australia for the period of the war, the report stated.

No confirmation of the story was received in New York yesterday from Australian representatives. Foreign departments have been assembling data here to be forwarded to Australia where they believe the currency export negotiations are still in progress.

However, some trade officials sug-

(Continued on page 7)

Pioneer Beefsteak Is Attended by 150

Some 150 members and guests of the Picture Pioneers, organization of industry veterans, made a festive occasion of their first Spring Conference Beefsteak last night at the Waldorf-Astoria. The gathering included scores of top executives. Jack Cohn, Columbia vice-president, presided as house manager. Though Jay C. Flippen was master of ceremonies, former Mayor James J. Walker drew the lion's share of the speaking.

The promised "gala entertainment" included, among other things, horse racing by three thoroughbred fillies, named "Buckley," "Cohn" and "Brandt," with a jockey for each. A girl band provided music. Harry Richman was among the entertainers.

There was reminiscing by Walker, and he introduced Dr. A. H. Giannini and Supreme Court Justice Ferdinand Pecora, who spoke. Walker was one of 22 new members initiated.

The dinner committee included Harry Brandt, chairman; Marvin Schenck and Joe Hornstein.

Studio Unions Again Oppose Salary Cuts

HOLLYWOOD, May 2.—Reiterating their decision not to give up their 10 per cent wage increase, the A.F.L. studio unions met today and authorized Vice Chairman J. W. Buzzell of the union's Conference to seek a new meeting with the producers on labor adjustments. Buzzell will ask Y. Frank Freeman, Producers Association president, for an early conference.

Board Rules Entire Circuit Must Bargain

The film division of the Theatrical Managers, Agents and Treasurers Union suffered another defeat before the N. Y. State Labor Relations Board yesterday when the board ruled that all managers and assistants employed by a circuit must be included in a bargaining unit. The ruling was on a union petition against Helgus, Inc., (Harry Brandt) for a collective bargaining election at the Liberty on West 42nd St.

Action on 'Wind' Is Weighed in London

LONDON, May 2.—The London County Council, municipal governing body, is considering action against the M-G-M rental and admission policy on "Gone With the Wind."

The decision is said to follow reported complaints from the public, and is said to be in line with the council's policy of protecting the public from exploitation.

Reginald Stamp, chairman of the Entertainments Committee, stated today that while he has no power to regulate admissions, M-G-M's policy "drives coach horses clean through the spirit and intentions of our rules." He said the policy may be disastrous for the small theatres, compelling patrons who wish to see "Wind" to economize at the expense of other houses.

He declared he had written Sam Eckman, M-G-M British head, last week but had received no reply.

Members of the Kinematograph Renters Society are understood to be opposed to Metro's extended runs on "Wind" due to other playdates.

U. A. Pre-selling To Be Set June 1

HOLLYWOOD, May 2.—Definite moves to set up United Artists' new "pre-selling" publicity and exploitation organization will be taken about June 1 when Maurice Silverstone, chief executive, returns here for further conferences on the subject with United Artists producers.

Silverstone will leave here for New York by train tomorrow night, to return here following the company's sales conventions. The proposed "pre-selling" organization will be headed by a managing official in Hollywood who will direct 15 field men in strategic locations. Selection of the personnel for the organization will be by Lynn Farnol, advertising and publicity director, and Monroe Greenthal, exploitation manager.

Theatres Face Fight with Fair At Boxoffice

Broadway Houses Decline Cooperation This Year

By EDWARD GREIF

Competition for the amusement dollar between Greater New York theatres and the World's Fair will be intensified this Summer, even more than last year, because of the Fair's concentration on popular amusements, lower prices and hundreds of thousands of dollars in giveaways. There will be no cooperation by New York theatres with Flushing Meadows.

Broadway theatres which purchased the Fair's banners last year for display on marquees and in lobbies have determined not to exploit the Fair this year. Special stage shows on the Fair theme, which were presented by the Radio City Music Hall and the Roxy last year will not be repeated when the Fair opens a week from tomorrow. Exhibitors are also con-

(Continued on page 7)

Mannix Says British Film Plans Not Set

M-G-M's production plans in England are uncertain and will depend on the outcome of a study to be made of conditions there by E. J. Mannix, studio general manager, and Irving Asher, associate producer. Mannix said yesterday on his arrival from the Coast. Asher came with him.

They will make recommendations to Louis B. Mayer on their return here and the decision will be up to him, Mannix said.

Mannix and Asher plan to leave for Europe by *Clipper* either next Wednesday or next Saturday, depending on accommodations.

Newsreels Get First Shots from Norway

First newsreel films of the war in Norway arrived on the *American Clipper* early yesterday. They were shipped separately to accounts last night by the five newsreels for inclusion in the weekend issues, which were released earlier in the day. The films, among other scenes, show German planes dropping bombs on a Norwegian town.

B. & K. Procedure Altered by Mistake

Chicago, May 2.—Public disclosure of Master in Chancery Edgar Eldredge's report finding Balaban & Katz and Paramount guilty of violating the Government's 1932 consent decree was made prematurely and through mistaken procedure.

As a result, the report was withdrawn from the Federal court files on Tuesday and reentered today. B. & K. and Paramount now will make exceptions to Eldredge, who will make a supplementary report before Federal court hearings start.

Eldredge followed Illinois state court procedure, rather than Federal, when he filed the report last Monday.

Silver to Address Appeal Luncheon

Rabbi Abba Hillel Silver will be the guest of honor and chief speaker at the annual luncheon of the amusement division of the United Jewish Appeal on May 23 at the Hotel Astor, it was announced at a luncheon of division committee members at the Astor yesterday. The meeting, first to be held in the current drive, was presided over by David Bernstein, vice-president and treasurer of Loew's and division co-chairman. Rabbi Silver is national co-chairman of the Appeal.

Present at yesterday's luncheon were the following: Barney Balaban, Louis Bernstein, Max B. Blackman, Harry H. Buxbaum, Jack Cohn, Irving Caesar, Abe Schneider, Leopold Friedman, Leon Goldberg, Joseph H. Hazen, Marcus Heiman, Arthur Israel, Malcolm Kingsberg, William Klein, Joseph Lee, B. S. Moss, Louis Nizer, Eugene Picker, Sam Rinzler, Herman Robbins, Harold Rodner, Charles Sonin, Joseph Seidelman, Sam Strausberg, Joseph R. Vogel and A. P. Waxman.

Monogram Frisco Meeting Tomorrow

HOLLYWOOD, May 2.—W. Ray Johnston, Monogram president; Scott R. Dunlap, production head, and Edward A. Golden, sales manager, leave Los Angeles tomorrow for San Francisco to attend a Western regional meeting at the Empire Hotel Saturday and Sunday.

Also attending the sessions will be Howard Stubbins, president of Monogram Pictures of California; Marty Solaman, Los Angeles exchange manager; M. J. E. McCarthy and Dud Forrey. Al Goldstein, William Dugan and Al Harris will attend from Seattle; Walter Wessing, Portland, and Mel Hulling, Gordon Allen and Clint Metchen, San Francisco.

'U' Party to Derby

J. Cheever Cowdin, Universal board chairman; Nate J. Blumberg, president, and William German of the Jules Brulatour office are members of a Kentucky Derby party headed by Daniel G. Sheaffer, Universal board member. The party left for Louisville by special train yesterday, and will return Monday.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the
Rivoli Theatre)

(51st Street
Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

Purely Personal

MITCHELL WOLFSON, president of Wometco Circuit, Florida, and **SIDNEY MEYER**, general manager, are here from Miami for Paramount home office conferences.

ALEXANDER KORDA is expected from the Coast by plane on Monday or Tuesday and plans to leave for Europe by *Clipper* May 11.

JOSEPH MOSKOWITZ, **HARRY BRANDT** and **ARTHUR GOTTLIEB** lunching at **Lindy's** yesterday.

JOHN BALABAN, B. & K. circuit head in Chicago, is on an auto trip through Indiana, Ohio and Kentucky.

BEN KALMENSON, Warner Western division manager, was in Chicago this week conferring with **RUD LOHRENTZ**, district manager.

ED STEIN, **SAMUEL GOLDWYN** publicity representative, has returned from a three-month assignment on the Coast.

HARVEY DAY, JR., has left for Memphis, where he will operate district sales headquarters for the American Pencil Co.

DON HIATT, M-G-M booker in Seattle, has a birthday tomorrow.

W. J. HUTCHINSON, 20th Century-Fox foreign department head, will arrive from Mexico City by plane on Monday.

EDWARD M. SAUNDERS, M-G-M Western division manager, left for the Coast last night.

LOUIS HARRIS, manager of the Chakeres Fairbanks in Springfield, O., was married yesterday to **MARY MARTELL**, assistant to **BLACKSTONE**, magician.

LON COX, film buyer for Fox Midwest, Kansas City, and manager of the circuit's houses there, and **PEGGY HOLLIS DAVIS** were married this week.

JOSEPH PLUNKETT, **MORT BLUMENSTOCK**, **LEON BAMBERGER**, **JACK CONNOLLY**, **JACK MILLS**, **OSCAR DOOB** and **WILLIAM FITELSON** lunching at **Bob Goldstein's Tavern** yesterday.

JOSEPH J. UNGER, **CHARLES E. MCCARTHY**, **CHARLES CASANAVE**, **ADOLPH ZUKOR**, **EDWARD SAUNDERS** and **ERNO RAPEE** at **Nick's Hunting Room** in the Astor for lunch yesterday.

JOSEPH MCMAHON has been added to the booking staff of the M-G-M Chicago exchange.

Louisville Turns Out For 'Wife' Premiere

LOUISVILLE, May 2.—RKO's "My Favorite Wife," starring Irene Dunne, had its world premiere here tonight at the Rialto, in Hollywood style.

George J. Schaefer, president of RKO; **Ned E. Depinet**, vice-president; **S. Barret McCormick**, director of advertising and publicity; Mr. and Mrs. **Walter Connolly** and **Sam and Bella Spewack** came by train from New York. They were among the celebrities headed by Gov. **Keene Johnson** who greeted Miss Dunne on her arrival from the Coast by plane.

A four-mile parade ended at City Hall, where Mayor **Joseph D. Scholtz** presented Miss Dunne the keys to the city. This evening she was the guest of honor at a banquet given by **Fred J. Dolle** and **Dennis H. Long** of the Fourth Avenue Amusement Co. and **Boyd Martin**, drama critic of the *Courier-Journal*.

Republic Is Sued

Republic Pictures Corp. was named defendant yesterday in a plagiarism suit filed in the U. S. District Court by **Harry Essex** and **Sid Schwartz**, who seek an injunction, accounting and damages. The complaint charges Republic with infringing upon the plaintiff's play, "Something for Nothing," later changed to "Prize Family," in the film, "Money to Burn."

Seek Dissolution

Paradise Pictures Corp., former operator of the Belmont Theatre, 125 W. 48th St., yesterday filed a petition in the New York Supreme Court for dissolution of the company. The application stated that Paradise's lease had expired and the company had ceased to function.

Pageant to Feature 'Edison' Openings

An Edison "Pageant of Progress" will be celebrated May 14-16 in five New Jersey communities in conjunction with simultaneous premiere showings of M-G-M's "Edison, the Man" in four of the towns. The picture will be shown May 16 at the Hollywood, East Orange; Palace, Orange; Windsor, West Orange, and Cameo, South Orange.

The celebration will include a "premiere ball" May 15 at the Orange Armory for the benefit of local charitable organizations. Screen personalities, civic officials and friends of the inventor are expected to attend. The following afternoon a parade, in which will be displayed the Edison inventions, will pass through the Oranges.

"Edison, the Man" follows M-G-M's earlier film on the inventor, "Young Tom Edison."

Ohio Censor Cuts Lowest Since 1938

COLUMBUS, May 2.—Ohio censors reviewed a total of 589 reels in April, from which 16 eliminations were ordered, and seven reels rejected. This is the smallest number of eliminations since February, 1938. In March of this year, 59 eliminations were ordered from 497 reels reviewed, while the figures for April, 1939, were 499 reels and 31 eliminations.

Name Shea City Manager

ZANESVILLE, O., May 2.—**E. J. Hiehle**, for the past five years manager of the Weller, has been named city manager of the houses recently taken over by the Shea interests from the Zanesville Theatres, Inc. In addition to the Weller, the local circuit consists of the Quimby, Imperial, Liberty and Grand.

Newsreel Parade

Films of the German-Allied battles in Norway, shipped separately, highlight each of the new issues. In addition to the war news the contents are as follows:

MOVIETONE NEWS, No. 68—"1940 Glamour Girl" is named. Lew Lehr. Horse race in Maryland. Auto racing in Reading.

NEWS OF THE DAY, No. 2—"Le de France" sails to Europe. Herring run in Cape Cod. World's Fair set for reopening. Movieland rodeo. Horse racing in Maryland.

PARAMOUNT NEWS, No. 71—Man jumps from Fair's trylon. Find mine in Washington. New plaque for Associated Press Building. Patent Office celebrates anniversary.

RKO PATHE NEWS, No. 83—General Dawes addresses Chamber of Commerce convention. Fair ready for 1940 debut. British cruiser refuels in California. Student convention at Westminster College.

UNIVERSAL NEWSREEL, No. 872—British cruiser in California port. New mounts for cavalry in Virginia. World's Fair ready for reopening. Girls' ballet school in New York. Pelicans enjoy the Spring. Kite flying contest in Chicago.

Photophone Service Headed by Goodman

Adolph Goodman has been appointed assistant manager of the RCA National Service Division by **W. L. Jones**, division manager. Goodman will have charge of all Photophone service activities.

Carl Johnson, Kansas City district service manager, has been shifted to the home office on equipment sales promotion, and is replaced in Kansas City by **William Hardman**. Also shifted to the home office were **N. A. Willis**, field engineer in Baltimore, and **Adolf Lof** of the New York staff. **F. M. Armstrong** has replaced **Willis** and **A. P. Wark** has succeeded **Lof**.

Goldwyn Due Monday

Samuel Goldwyn will arrive from the Coast by plane on Monday. He will confer with **James Mulvey**, Eastern representative, on sales policy for "The Westerner" and will remain here for a brief vacation.

Hyde Park to Century

The Hyde Park, New Hyde Park, L. I., closed for a number of years, has been acquired by Century Circuit. Reopening is set for May 11.

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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WHEN THEY ASK YOU—

“What is the title
of Vivien Leigh’s
first new production
since ‘Gone With
The Wind’?”



be sure you know the correct answer →



It's Metro-Goldwyn-Mayer's

WATER

BRI

RLOO
DGE

and it's a honey!



WATCH YOUR PULSE!



Her first screen role since she was the beautiful Scarlett O'Hara!

His most powerfully romantic performance

The picture the world is waiting for!

**VIVIEN LEIGH
ROBERT TAYLOR**

"WATERLOO BRIDGE"

*with Lucile Watson, Virginia Field, Maria Ouspenskaya,
C. Aubrey Smith • A Mervyn LeRoy Production • Screen.
Play by S. N. Behrman, Hans Rameau and George Froeschel
Based on the Play "Waterloo Bridge" by Robert E. Sherwood*

*A METRO-GOLDWYN-MAYER PICTURE • Directed
by MERVYN LeROY • Produced by SIDNEY FRANKLIN*

Short Trust Trial Hopes Seen Fading

(Continued from page 1)

mains little or no likelihood of such attempts being made.

The abandonment of settlement discussions in Washington, however, does not end the possibility that the pending suit may be terminated without a conclusive trial, it is learned. Legal opinion within the industry holds that it is both possible and probable that a consent decree may materialize after the trial is under way.

To defense attorneys, the most discouraging development in connection with pre-trial conferences has been the submission by the Government of its list of proposed stipulations. The defense regards them as "impossible" in their entirety and contends that acceptance of the Government's proposed stipulations would be equivalent to making a plea of guilty as charged, and would leave nothing essential to be tried in court.

As a result, company attorneys have made no attempt to propose a list of counter-stipulations for submission to the Government. They intimate that they could only respond in kind and progress thereafter would be hopeless.

In connection with a possible settlement, attorneys point out that the section of the Clayton Act which makes a consent decree entered into after trial has started admissible as evidence in actions subsequently brought for triple damages, has little or no bearing in determining whether or not a consent decree is desirable after trial has started. They point out that plaintiffs in subsequent actions still will be required to prove that they have suffered the damages they allege and that if such proof was present no litigant would wait until after a consent decree had been accepted to file his complaint. His claim for damages, they contend, is not strengthened in any way by the existence of a consent decree.

"An acceptable decree—one which we could believe we could live under—would be equally acceptable after trial has started as before," one prominent industry attorney stated.

'Cargo' Draws Big \$38,000 at Capitol

(Continued from page 1)

B. C." with a stage bill drew an estimated \$32,000.

For its fifth week at the Radio City Music Hall, "Rebecca" with a stage show grossed an estimated \$91,000 and went into its sixth week yesterday. "Gone With the Wind," in its 20th week at the Astor, is still a strong attraction, having grossed an estimated \$17,000 during the 19th week. At the Strand, "Til We Meet Again" with Wayne King's band on the stage drew an estimated \$29,000 for the second week. "Saturday's Children" starts at the Strand today.

Club Party May 25

CINCINNATI, May 2.—The local Variety Club will hold its annual Spring dinner-dance at the Pavilion Caprice of the Netherland Plaza, May 25.

To the Winners



Photo by Floyd Stone

THE Quigley Trophy was presented yesterday to the M-G-M basketball team, champions of the motion picture industry in the past season. Bill Stern, M-G-M News of the Day and NBC sports commentator, made the presentation on behalf of Quigley Publications and Charles C. Moskowitz, Loew theatre executive, accepted the trophy on behalf of the team, of which he is the sponsor.

In the photo are, left to right, Stern, James P. Cunningham, *Motion Picture Herald*; Sidney Salitsky, team manager; Oscar A. Doob, advertising and publicity director of Loew theatres, and Moskowitz. Others present were Martin Quigley, Jr., of *Motion Picture Herald*, and Al Finestone of *MOTION PICTURE DAILY*.

Doubt Australian Money Agreement

(Continued from page 1)

gested that the Australian Government may have summarily concluded the film negotiations on the basis reported under the pressure of "war time emergency." A majority of foreign department officials, however, do not share this belief.

A request for additional information to be used in the Australian negotiations arrived from there only two days ago. In response to this request, foreign managers met at the M.P.P.D.A. on Wednesday to assemble the data, which is to be forwarded at once.

A 50 per cent currency withdrawal patterned after that agreed upon with Great Britain has been proposed by Australian authorities. However, industry officials have been seeking a higher withdrawal authorization. They point out that Australia's high tariff on films and the 25 per cent cancellation in effect there makes the cost of doing business in Australia much higher than in other markets and, therefore, the currency withdrawal regulation should be determined accordingly.

Some home office foreign departments estimate that a 75 per cent currency withdrawal in Australia, which is hoped for here, would be equivalent, on the basis of cost of doing business, to the 50 per cent withdrawal in effect in Britain.

Improve RKO House

TRENTON, N. J., May 2. — Improvements at an estimated cost of \$75,000 are planned for the RKO Trent, second run house.

Theatres Face Fight with Fair At Boxoffice

(Continued from page 1)

sidering the elimination of newsreel clips on the Fair.

The newsreels, of course, will cover outstanding events at the exposition but no special coverage is planned.

Contests and giveaways will be featured during the entire season at the Fair. Definite plans have not been announced but the legal department is studying more than a dozen ideas and many of them will be used if they are found not to conflict with the lottery laws.

Six Free Automobiles

In an effort to attract residents of the metropolitan area, the Fair will give away six automobiles on opening day through a limerick contest. Though entry blanks will be free, they must be deposited within the Fair grounds to be eligible for prizes. The prizes will be awarded on a geographical basis. One automobile will go to an out-of-town resident, one each to residents of Manhattan, Queens, Brooklyn and Bronx, and one to a sixth area which includes Staten Island, Long Island and Westchester.

The Fair's admission prices have been scaled at 50 cents for adults and 25 cents for children at all times. A bargain book gives \$4.20 of admissions for \$2.50. There will be special free days for school children but the details have not been set. Restaurant and concession prices have been drastically reduced from last year's high levels.

Todd's "Dancing Campus"

The Fair's successful experiment late last season with free dancing with big name bands will not be repeated, but Michael Todd will run "The Dancing Campus" as a concession. With room for 4,000 couples, and name bands as the attraction, 25 cents will be charged for the dancing privilege.

Billy Rose will return with his "Acquacade" and the Fair will present its own show, "American Jubilee," at prices from 40 to 90 cents.

"Pre-Fair Week" will be launched by Mayor LaGuardia from the steps of the New York Public Library at 11 A. M. tomorrow. Attempts to stage a parade were abandoned when film houses, legitimate stage theatres and night clubs refused to permit members of their choruses to participate. At City Hall yesterday, 75 members of the Mayor's committee met to boost the Fair. Each member received \$1 as a "dollar-a-year" man to aid the exposition, and was pledged to exhibit Fair banners and urge employees of his organization to visit the Fair, particularly on opening day.

LeMaire Is Talent Agent for Columbia

HOLLYWOOD, May 2.—Rufus LeMaire, for many years a film executive, has been engaged by Columbia as a special talent representative, taking over his new post immediately.

LeMaire started with the Shuberts, later becoming a stage producer. He came to Hollywood in 1929, where he was associated with Columbia and then Warners. He is credited with having developed a number of stars.

Jack Benny Guest At Cocktail Party

Jack Benny was honored at a cocktail party yesterday in the Bacardi Room of the Empire State Building. The comedian will leave Monday for a personal appearance at the Chicago Theatre, Chicago.

Present at the party were: Barney Balaban, Austin Keough, Neil Agnew, Charles Reagan, J. J. Unger, Oscar Morgan, Leon Netter, Sam Dembow, Bob Weitman, Adolph Zukor, John Hicks, George Weltner, Leonard Goldenson, Spyros Skouras.

Also, George Skouras, Harry Katz, Harry Chatkin, Ned E. Depinet, Gradwell Sears, Steve Lynch, Clayton Bond, Charles C. Moskowitz, John J. O'Connor, Joseph Vogel, Fred Meyer, Harry Brandt, Milt Kusel, Robert M. Gillham, Al Wilkie, Alec Moss, A. O. Dillenbeck, Don Gibbs, Armando, Maurice Kallis, C. N. Odell, Robert Hussey, Mark Sandrich, Zion Meyer, John D. Hertz, Jr., and G. B. J. Frowley.

Honor Samuelson, But He Is Absent

Despite his absence, Sidney Samuelson, charter member and former president of New Jersey Allied, was honored last night at a dinner of the organization at the Tavern in Newark. Samuelson was unable to attend because of an attack of the grippe which kept him confined to his home in Philadelphia.

At a meeting preceding the dinner, film coin machines and their possible competition were discussed.

Plans are being made for the annual convention in Atlantic City in the Fall.

Expect 125 At Universal Eastern Meet

More than 125 home office executives and members of the Eastern sales staff will attend the Universal Eastern regional convention at Atlantic City, May 11-13, according to W. A. Scully, vice-president and general sales manager. Nate Blumberg, president, and Cliff Work, studio head, also will attend.

W. J. Heineman, Western sales manager, will be present at the Eastern meeting, and F. J. A. McCarthy, Eastern sales head, will attend the Western meeting in Chicago beginning May 18. Scully will preside at both sessions.

Other home office executives expected to attend the Atlantic City meeting include:

Joseph H. Seidelman, vice-president in charge of foreign affairs; Leo Abrams, short subjects sales manager; Morris Alin, O. C. Binder, James Jordan, John E. Joseph, Charles Kirby, Hank Linet, Clarence Margon, James Miller, F. T. Murray, Louis Pollock, Adolph Schimel, Andy Sharick and Herman Stern.

District managers attending will be Harry Graham, A. J. Herman and Dave Miller.

Exchange managers, salesmen and bookers to attend are as follows:

Albany: Exchange manager Jerry Spandau, I. Shiffman and C. Weill.

Atlanta: Exchange manager John Ezell, L. Brauer, E. Cox, R. Gann, C. Jordan and T. Miller, Jr.

Boston: Exchange manager W. P. Kelly, J. Callahan, F. P. Dervin, H. J. Martin, J. H. Murphy, W. Murphy, E. Warren and J. R. Wilson.

Buffalo: Exchange manager J. J. Scully, W. F. Bork, J. Fater, C. Heerdt and L. J. Leiser.

Charlotte: Exchange manager Paul Baron, J. W. Bishop, R. Good, J. W. Greenleaf and R. Masterman.

Cincinnati: Exchange manager Peter Rosian, G. B. Gomersall, Nate Le Vene, Jr., J. Marks, F. Schreiber and H. W. Young.

Cleveland: Exchange manager J. R. Kaufman, J. Frew, J. Krenitz, G. Rosenbaum and A. W. Young.

Dallas: Exchange manager E. S. Olsmith, E. Green, J. M. Lutzer, L. D. Lutzer, C. M. Miller, J. E. Mitchell and W. Pittinger.

Memphis: Exchange manager J. A. Prichard, L. H. Andrews, B. Jordan and H. Mansfield.

New Haven: Exchange manager M. Joseph and J. Pavone.

New Orleans: Exchange manager W. M. Richardson, N. Lamantia, C. McMillan and E. O'Neill.

New York: Exchange manager D. A. Levy, W. Benson, M. Cohen, H. Furst, N. Goldberg, J. Liggett, B. Price, L. Simon and P. Winnick.

Oklahoma City: Exchange manager James Hobbs, M. Holstein, H. H. Martin and White Cliff, Jr.

Philadelphia: Exchange manager G. F. Schwartz, W. J. Doyle, Jack Engel, F. Fortunato, M. Kopplemen, J. Leon and S. Perlswieg.

Pittsburgh: Exchange manager J. Lapidus, D. Barnholtz, S. Feld, F. Guehl, L. Hess and W. Satori.

Washington: Exchange manager B. Kreiser, O. Blumenthal, W. E. Davis, B. Frank, S. Tabor and L. J. Young.

Canada: Clair Hague, Paul Nathanson, Joe Engle, Special Representative.

Col. Signs Stevens

HOLLYWOOD, May 2.—George Stevens, former RKO director, has been signed by Columbia to an exclusive contract as a producer-director. His first assignment probably will be on the new Louis Bromfield novel, "New Orleans."

Hollywood Review

"Turnabout"

(U.A.-Hal Roach)

HOLLYWOOD, May 2.—Those who whiled away a reading hour with Thorne Smith's novel of the above title on its publication a few years ago need only to be told that Hal Roach's picturization follows the Smith story closely to know the odd and venturesome nature of this production.

Novelist Smith's story concerns a prosperous husband of the human-dynamo variety and his ease-loving wife who engage ceaselessly in envying each other's lot, quarreling about it of mornings and wishing—in the only ambition they share mutually—that their places in life might be exchanged, one for the other. An Oriental-ish idol ensconced in their bedchamber and alleged to possess the power to grant them any wish they may concur in becomes animate one night and effects the literally presented miracle of transposing the personalities and voices of each into the body, bed and nightclothes of the other. Next morning she awakens in his person and pyjamas, yet retaining her voice and mannerisms, and he awakens in her physique and nightgown, retaining however his own voice, mannerisms, impulses and viewpoints.

That day she, as he, goes to his office to conduct his business according to her standards, creating consternation by her effeminate deportment and responses to office contacts, including one with the firm's principal customer, whom she estranges, and another with an effeminate prospective client, with whom she gets along successfully. Loss of the firm's key account throws panic into the other two partners, who take to rum for consolation.

Meanwhile he, as she, stays at home, confuses the house servants completely, angers her husband's business partners' wives when they come to call and goes into a mental tailsip when the family doctor informs him (believing him to be the wife whose physical person he is occupying) that he is going to have a baby, a matter his wife had neglected to take into consideration when she concurred in his wish for sex transference.

That night, mutually dissatisfied with results of the sex switch, he and she tell their troubles to the idol, which obligingly switches them back to their original bodies. News that they are to have a baby wins the important customer back to the firm and establishes peace among the embattled partners and their wives. Then the idol summons the husband and whispers in his ear that, due to a mistake the expected baby is to be borne by him, instead of by his wife. The picture ends at this point with the husband flabbergasted and the wife laughing heartily.

This story differs from all others treating of the masquerade theme, from "Charley's Aunt" on down, in that the switch of sex is no mere matter of costuming but a literal exchange magically accomplished. It differs from all other stories in general kind likewise in that no dream ending or similar device is employed to satisfy the laws of reasonableness. It does rely, of course, upon the manifest incredibility of the whole affair to neutralize objections stemming from habitual audience expectation of plausibility, and dispenses with logic by the simple process of ignoring it.

Producing and directing the picture personally, Hal Roach has given the leads to John Hubbard and Carole Landis, young players for whose screen future he has expressed great hopes. He has backed them up with such veteran and able talent as Adolphe Menjou, William Garagan, Verree Teasdale, Mary Astor, Donald Meek, Franklin Pangborn, Marjorie Main, Berton Churchill, Joyce Compton and in addition, Margaret Roach, Inez Courtney, Ray Turner and Norman Budd. This cast extracts maximum comedy results from a script prepared by Mickell Novak, Berne Giler and John McCain, to which Rian James contributed additional dialogue.

The action moves with speed and dispatch, keeping the central story idea clear at all times and progressing through a steady succession of situations, incidents and speeches designed solely for comedy purposes and received hilariously by a Hollywood preview audience composed entirely of press and profession.

Running time, 85 minutes. "A."*

ROSCOE WILLIAMS

*"A" denotes adult classification.

Opens in Nashville

NASHVILLE, Tenn., May 2.—Crescent Amusement's new Belle Meade Theatre has opened here. The combination theatre and business block was constructed at a cost of more than \$250,000. The theatre seats 1,100. Edwin J. Jordan is manager.

New Canadian House

VANCOUVER, B. C., May 2.—Fred Kalley shortly will start construction of a \$20,000 theatre building, seating 450, at White Rock, B. C., summer resort town. F. Guy Graham of Vancouver will operate the new theatre, to be completed about the middle of the Summer.

'Benny' Pulls Big \$24,000, Los Angeles

LOS ANGELES, May 2.—"Buck Benny Rides Again," with a stage show at the Paramount, drew a strong \$24,000. "Rebecca" took \$7,200 in the sixth week at the 4 Star. "The Doctor Takes a Wife" and "Double Alibi" drew \$7,100 at the Hillstreet and \$8,000 at the Pantages.

Estimated takings for the week ending May 1:

"Come With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 18th week. Gross: \$10,000. (Average, \$17,000)

"Johnny Apollo" (20th-Fox)
"And One Was Beautiful" (M-G-M)
CHINESE — (2,500) (30c-75c) 7 days. Gross: \$11,600. (Average, \$12,500)

"Rebecca" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 5th week. Gross: \$7,200. (Average, \$3,250)

"The Doctor Takes a Wife" (Col.)
"Double Alibi" (Univ.)
HILLSTREET—(2,700) (30c-65c) 5 days. Gross: \$7,100. (Average, \$6,500)

"Johnny Apollo" (20th-Fox)
"And One Was Beautiful" (M-G-M)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$14,500. (Average, \$14,000)

"The Doctor Takes a Wife" (Col.)
"Double Alibi" (Univ.)
PANTAGES—(3,000) (30c-65c) 5 days. Gross: \$8,000. (Average, \$7,000)

"Buck Benny Rides Again" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Clarence Stroud, Garwood Van and orchestra. Gross: \$24,000. (Average, \$18,000)

"Dark Command" (Rep.)
"Tear-Gas Squad" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: \$9,500. (Average, \$14,000)

"Dark Command" (Rep.)
"Tear-Gas Squad" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: \$10,200. (Average, \$12,000)

'Husbands,' \$9,500 Tops Indianapolis

INDIANAPOLIS, May 2.—All first runs were firmly in the black for the second consecutive week. "Too Many Husbands" and "Dr. Kildare's Strange Case" took \$9,500 at Loew's. The Lyric drew \$16,000 with the Boone County Jamboree on stage and "Zanzibar" on the screen.

Estimated takings for week ending April 28:

"Dr. Cyclops" (Para.)
"French Without Tears" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$6,400. (Average, \$6,000)

"Johnny Apollo" (20th-Fox)
"Charlie Chan in Panama" (20th-Fox)
INDIANA — (3,200) (25c-40c) 7 days. Gross: \$7,400. (Average, \$5,000)

"Too Many Husbands" (Col.)
"Dr. Kildare's Strange Case" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$9,500. (Average, \$7,000)

"Zanzibar" (Univ.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Boone County Jamboree. Gross: \$16,000. (Average, \$8,000)

Night Baseball Now Hits Seattle Houses

SEATTLE, May 2.—Night baseball this week began its onslaught against the theatre box-offices, and cut a wide swath in the film house grosses. The first five nights of Pacific Coast League ball in the local stadium drew a paid attendance of more than 35,600 persons, at admission of 85 cents for grandstand seats, \$1.15 for reserved seats and 42 cents for bleachers.

Radio Brevities

WCN is attempting to tap audiences not usually covered with three novel sports shows. "Labor Sports," heard Fridays at 8:30 P. M., deals with amateur sports of labor unions; "Sports Reviews and Interviews," Saturdays at 4:30 P. M., covers sandlot activities of social and religious organizations; and "Women in Sports," on Saturdays at 7:45 P. M., covers amateur sports of women's societies.

Personalities in the News

Wynn Murray, Fred Allen's vocal-ist, and Ray Middleton, formerly on the Chase & Sanborn show, have been signed for leading roles in "American Jubilee" at the New York World's Fair. . . . Eileen Palmer of the "Girl Alone" cast and Les Tremayne of "First Nighter" were married in Chicago yesterday. . . . Mrs. Tyrone Power, mother of the film star, will be guest on "It Happened in Hollywood" over CBS next Friday at 3:15 P. M.

Televisioners Beauty Judges

Something new in beauty contests will be staged by NBC next Thursday at 8:30 P. M., when the television audience will be asked to judge the finals of the "Miss RCA Television" contest. Ballots were sent yesterday to 2,000 set owners and the three winners will act as hostesses at the RCA exhibit at the New York World's Fair.

Program News

The San Carlo opera season at the Center Theatre will be broadcast by WNYC for the third year. . . . Taystee Bread will sponsor 23 15-minute periods weekly over WHN beginning May 6. . . . Ralston Purina Co., which went off the air for the Summer on April 26, yesterday signed contracts for resumption of "Tom Mix Ralston Straight Shooters" over 50 NBC-Blue stations Sept. 30. The program will be heard Mondays through Fridays at 5:45 P. M. . . . "We, the People" will feature interviews with the "man on the street" from Sweden, Rumania, Holland and Italy on next Tuesday's program at 9:00 P. M. The European hookup was arranged with the co-operation of the CBS special events department.

Films on Television

Feature films to be shown over W2XBS during the week of May 5-11 include "Cipher Bureau," "Mystery in Swing," with a Negro cast, and "Panama Patrol." There will be selections from "Casamiento en Buenos Aires" and "Gente Bien," and a selection of industrial short subjects and travelogues. "Crisis in the Pacific," a March of Time release, will also be shown.

Named Kansas Censor

KANSAS CITY, May 2.—Mrs. Mary Numbers, wife of a dentist at Paola, Kan., has been named by Gov. Payne Ratner as chairman of the Kansas State Board of Review. Mrs. Numbers succeeds Mae Claussen of Emporia, whose three-year term expired April 1. Other members of the board are Mrs. J. M. Meek, Democrat, and Mrs. J. R. Stowers, Republican.

Hollywood Reviews

"My Favorite Wife"

(RKO)

HOLLYWOOD, May 2.—A hilariously funny farce, RKO's "My Favorite Wife," is a variation of the Enoch Arden theme. This time a young attorney, who has his wife declared legally dead, seven years after a shipwreck, marries again, only to have the first wife turn up. Cary Grant and Irene Dunne, reunited for the first time since their hit, "The Awful Truth," and Gail Patrick form the triangle whose adventures were hailed by the preview audience as one of the funniest pictures of the year.

Supporting them are Randolph Scott, as the athlete with whom the first wife had been cast away on an island; Ann Shoemaker, Scotty Beckett, Mary Lou Harrington, Donald MacBride, Hugh O'Connell, Granville Bates and Pedro De Cordoba. MacBride as a suspicious and amazed resort hotel clerk and Bates as the judge who becomes involved in the legal tangle resulting from the reappearance of Miss Dunne give outstanding characterizations.

The directorial skill of Garson Kanin is at its best in leading the characters through the riotous scenes. Leo McCarey of "The Awful Truth" fame and others was the producer, as well as collaborating with Bella and Samuel Spewack on the story. The Spewacks did the screenplay, which is loaded with laugh provoking lines, the gist of some making the picture definitely adult fare.

Whereas Columbia's earlier "Too Many Husbands" told of a wife who marries again when she believes her first husband dead, "My Favorite Wife" plunges into the story with the legal proceedings under which Miss Dunne is declared dead and the following marriage of Grant to Miss Patrick. Miss Dunne shows up on the honeymoon, and complications ensue when Grant fails to get up the courage necessary to inform his bride of the new situation. The story is pointed to show that she has remained "kissless."

Running time, 90 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

"I Was an Adventuress"

(20th Century-Fox)

HOLLYWOOD, May 2.—Following closely the pattern established by its title, "I Was an Adventuress" casts the talented Zorina in the role of a ballet dancer who enters upon a career of jewel robbery, renounces this when one of her victims marries her, and then combines her dancing with her marriage, with brief interruptions occasioned by the return of her former colleagues.

Richard Greene appears as the young man with whom she falls in love, Erich Von Stroheim and Peter Lorre as her comrades in the profession of stealing jewelry, with the latter's characterization of a soft-hearted kleptomaniac evocative of the film's comedy moments. Sig Rumann, Fritz Feld and Cora Witherspoon are in support.

The screenplay by Karl Tunberg, Don Ettlinger and John O'Hara was based on an original production by Gregor Rabinovitch, while Gregory Ratoff directed and Nunnally Johnson acted as associate producer. George Balanchine staged the dances, chief of which is an interpretation of Tchaikovsky's "Swan" by Zorina, which drew enthusiastic audience response at the picture's preview.

Running time, 79 minutes. "G."*

W. S.

*"G" denotes general classification.

S. A. Business Boom Reported by Gregg

A "mild business boom" accompanied by marked activity in theatre construction was observed throughout most of Latin America by E. S. Gregg, general foreign manager of Erpi, in the course of a 22,000-mile trip through 14 countries in that territory, from which he has just returned.

He reported that American sound equipment and projection apparatus is rapidly replacing German-made equipment in Latin American theatres and that stocks of the European-made product will be "largely exhausted" there by the end of this year.

Arranging Details For 'Town' Opening

Plans for the world premiere of Sol Lesser's "Our Town" at Loew's State and Orpheum, Boston, on May 23, will be formulated by United Artists and Loew's officials in Boston today.

Oscar Doob, Loew's advertising and publicity director; Lynn Farnol, United Artists advertising and publicity director; Al Margolies, United Artists publicity manager, and Louis Hyman, business representative for Lesser, left for Boston last night. They will confer there with Charles Kurtzman, Loew's Boston district manager; Joe Di Pisa, Loew's Boston publicity manager, and Joe Longo, United Artists Boston publicity representative.

Three Webs Hit New Highs For 4 Months

Continuing the record breaking pace set earlier this year, the three major networks grossed a total of \$32,031,724 for the first four months of 1940, figures released yesterday revealed. All webs broke their existing records both for four-month combined totals as well as for April.

During April, NBC grossed \$4,041,518, an increase of 13.5 per cent over \$3,560,984 for the same month last year. For the first four months, NBC grossed \$16,883,154, an increase of 8.8 per cent over \$15,514,431 for the same 1939 period.

NBC-Red grossed \$3,128,685 during April, an increase of 8.7 per cent, while the Blue showed an increase of 34 per cent with \$912,833. Four-month totals were \$13,190,501 for the Red, an increase of 6.7 per cent, and \$3,692,653 for the Blue, up 17.2 per cent.

CBS turned in the largest gross for a single network for the seventh consecutive month with \$3,322,689 for April, an increase of 16.4 per cent over \$2,854,026 for April, 1939. The four-month total was \$13,742,432, an increase of 25 per cent over \$10,995,309 for the same period last year.

Mutual scored the largest relative increase for the month of April with \$359,947, up 37.1 per cent over \$262,626 for the same month last year. The four-month gross was \$1,406,138, an increase of 21.1 per cent over \$1,161,285 for the corresponding 1939 period.

'My Son' Garners \$7,500, New Haven

NEW HAVEN, May 2.—"My Son, My Son" led downtown houses with \$7,500 at the Roger Sherman. The Paramount, with "Dr. Cyclops" and "The Farmer's Daughter," was strong with \$5,500. Third week of "Rebecca" and "The Lone Wolf Strikes" at the College grossed \$3,300.

Estimated takings for the week ending April 25:

"Rebecca" (U. A.)
"The Lone Wolf Strikes" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 3rd week. Gross: \$3,300. (Average, \$2,700)
"Johnny Apollo" (20th-Fox)
"Star Dust" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,200. (Average, \$8,000)
"Dr. Cyclops" (Para.)
"The Farmer's Daughter" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$5,500. (Average, \$4,000)
"My Son, My Son" (U. A.)
"City of Chance" (20th-Fox)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$7,500. (Average, \$5,000)

Radio Circle to Be Ampa Lunch Guests

Seventeen members of the National Radio Film Commentators Circle will be the guests of Ampa at next Thursday's luncheon meeting at Dempsey's restaurant. David Lowe, president of the Circle, and four members will discuss cooperation of the film companies with their radio programs.

Buys Pennsylvania House

PHILADELPHIA, May 2.—Thomas Lazarich has purchased the Castle Theatre, in the Kensington district, from Jay Wolf.

Philadelphia Gives \$17,000 To 'My Son'

PHILADELPHIA, May 2.—A rainy week dampened box-offices and grosses were low. Biggest was the Aldine, where "My Son, My Son" took \$17,000. "Rebecca" continued its high mark at the Boyd with \$17,000 for its fourth week, and "Gone With the Wind" closed its long run at the Earle with \$13,900 for its 14th week. Estimated takings for the week ended April 23-26:

"My Son, My Son" (U. A.)
ALDINE—(1,700) (32c-42c-57c-68c) 7 days. Gross: \$17,000. (Average, \$8,000)
"Sidelwalks of London" (Para.)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd run. Gross: \$2,800. (Average, \$2,600)
"Rebecca" (U. A.)
BOYD—(2,400) (32c-42c-57c-68c) 7 days, 4th week. Gross: \$17,000. (Average, \$13,000)
"The Grapes of Wrath" (20th-Fox)
"Free, Blonde and 21" (20th-Fox)
CARMAN—(2,500) (26c-32c-42c) subsequent run, 2nd week, 3 days with vaudeville bill, \$2,200; 4 days with vaudeville bill including Eddie Rocker, Jed Dooley, Mazzone & Abbott, Doris Mae, and Martin & Allen, \$4,100; 7-day average. Gross: \$6,300. (Average, \$5,200)
"Gone With the Wind" (M-G-M)
EARLE—(4,000) (75c-1.14) 14th week, 7 days. Gross: \$13,900. (Average, \$14,000)
"Free, Blonde and 21" (20th-Fox)
FAY'S—(2,000) (15c-25c-32c-40c-57c) 7 days, with vaudeville bill including Eve Arden, Grace O'Brien, Patricia Perry, George Beatty, Bert Yorke & Beatrice Tracy, Jans & Lynton with Joey Dean, and Fenwick & Cook. Gross: \$8,000. (Average, \$7,200)
"It All Came True" (W. B.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$13,100. (Average, \$13,000)
"And One Was Beautiful" (M-G-M)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$3,100. (Average, \$3,000)
"It's a Date" (Univ.)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$5,300. (Average, \$4,500)
"Pinocchio" (RKO)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$10,900. (Average, \$14,000)
"Shooting High" (20th-Fox)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$4,100. (Average, \$4,500)

'Cargo' at \$13,700 Is Best in Buffalo

BUFFALO, May 2.—A close to average week here found "Strange Cargo" best at the Buffalo with \$13,700. "It All Came True," part of a double bill at the Great Lakes, made \$8,900.

Estimated takings for the week ending April 26:

"Strange Cargo" (M-G-M)
BUFFALO—(3,000) (30c-35c-55c) 7 days. D'Artega & orch., 8 New Yorkers, Trumpeter Billy Blake, Gertrude Lutzi and others. Gross: \$13,700. (Average, \$12,000)
"It All Came True" (W. B.)
"Adventure in Diamonds" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$8,900. (Average, \$7,500)
"The Light That Failed" (Para.)
"Viva Cisco Kid" (20th-Fox)
HIPPODROME—(2,500) (25c-35c) 7 days. Gross: \$7,700. (Average, \$6,800)
"Millionaire Playboy" (RKO)
"Son of the Navy" (Mono.)
TWENTIETH CENTURY—(3,500) (25c-35c) 7 days. Gross: \$4,500. (Average, \$7,500)
"The House of the Seven Gables" (Univ.)
"Black Friday" (Univ.)
LAFAYETTE—(3,300) (25c-35c) 7 days. Gross: \$6,000. (Average, \$6,300)

Assign 'Nazi' Roles

HOLLYWOOD, May 2.—Joan Bennett and Richard Greene will play starring roles in the 20th Century-Fox film, "I Married a Nazi," from a *Liberty Magazine* story, with George Sanders featured. Irving Pichel will direct.

New York Reviews

"In Old Missouri"

(Republic)

There is not much of Missouri in "In Old Missouri," but there is plenty of old-fashioned hill-billy singing, a couple of Negro spirituals and a group of French chorus girls to keep the film going between an assortment of slap-stick humor and a group of starving sharecroppers who find that their millionaire landlord is worse off than they are.

The Weavers—Leon, Frank, June and Loretta—known, respectively, as Abner, Cicero, Elvira and Violet, dominate the picture, a fact which should bring satisfaction to Weaver fans. The Weavers, sent by their fellow sharecroppers to petition Thurston Hall for a greater income from the land, find Hall about to be robbed by his partners, deserted by his wife (Marjorie Gateson) and abandoned by his son (Alan Ladd) who would rather run a night club than his father's business.

In desperation, Hall assigns everything he owns to the Weavers and, after some difficult situations, they succeed not only in solving Hall's domestic and business problems but also winning greater benefits for the sharecroppers. June Storey, as secretary to Hall and fiancée of Ladd, provides the romantic interest.

Armand Schaeffer produced and Frank McDonald directed.

Running time, 67 minutes. "G."*

EDWARD GREIF

"Saps at Sea"

(Roach-United Artists)

Highlighted by several really amusing sequences, this latest Hal Roach film starring Stan Laurel and Oliver Hardy is good for many laughs and should be especially pleasing to the followers of the Laurel and Hardy type of comedy.

They are supported by those two old timers, James Finlayson and Ben Turpin, while another veteran, Harry Langdon, collaborated on the screenplay with Charles Rogers, Felix Adler and Gil Patrick. Gordon Douglas directed, and maintained a lively pace throughout.

Hardy is on the verge of a nervous breakdown from the noise in a horn-testing factory where he and Laurel are employed. Ordered to take a rest, preferably on the sea, the two go aboard a small boat safely tied up to a dock, after an amusing episode or two in the Laurel-Hardy manner. They are accidentally cast adrift about the time an escaping murderer takes refuge aboard. When they prepare a meal for him out of cord, sponges, paint and the wick of a kerosene lamp, and then are forced to eat it themselves, the comedy high spot is reached. Eventually, they overpower the killer and themselves land in jail instead of getting a reward.

Running time, 57 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

Lewis and 'Ma' Pull \$14,000, Milwaukee

MILWAUKEE, May 2.—Ted Lewis on the stage and "Ma! He's Making Eyes at Me" on the screen connected for \$14,000 at the Riverside. "Rebecca" ran a close second with an \$11,300 gross at the Warner.

Estimated takings for the week ending April 23-25:

"Too Many Husbands" (Col.)
"Women Without Names" (Para.)
PALACE—(2,400) (25c-35c-50c) 5 days, 2nd week. Gross: \$2,800. (Average, \$4,000)
"Ma! He's Making Eyes at Me" (Univ.)
RIVERSIDE—(2,700) (30c-35c-40c) 7 days. Stage: Ted Lewis. Gross: \$14,000. (Average, \$6,500)
"Road to Singapore" (Para.)
"Sidelwalks of London" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$1,900. (Average, \$1,500)
"Rebecca" (U. A.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$11,300. (Average, \$4,500)
"Northwest Passage" (M-G-M)
"Free, Blonde and 21" (20th-Fox)
WISCONSIN—(3,200) (35c-40c-60c) 7 days, 2nd week. Gross: \$6,000. (Average, \$5,500)

Hoffberg Gets Three

Hoffberg Productions, Inc., has acquired three Robert Donat pictures for the New York, Chicago, Los Angeles and San Francisco territories. The three are: "Men of Tomorrow," "Cash" and "Over Night."

'Primrose' Is Frisco Lead With \$17,000

SAN FRANCISCO, May 2.—"Primrose Path" at the Golden Gate drew \$17,000, holding for a second week. "Strange Cargo" and "And One Was Beautiful" pulled \$14,000 in the second week at the Fox. "Rebecca" drew \$7,800 in the fifth week at the United Artists.

Estimated takings for the week ending April 23-26:

"Primrose Path" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: \$17,000. (Average, \$15,000)
"It's a Date" (Univ.)
"Call a Messenger" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days, 3rd week. Gross: \$7,200. (Average, \$8,000)
"Strange Cargo" (M-G-M)
"And One Was Beautiful" (M-G-M)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$14,000. (Average, \$16,000)
"Til We Meet Again" (W. B.)
"King of the Lumberjacks" (W. B.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$10,000. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 5th week. Gross: \$7,800. (Average, \$8,000)
"Dr. Cyclops" (Para.)
"Adventure in Diamonds" (Para.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$5,400. (Average, \$6,000)
"Dr. Kildare's Strange Case" (M-G-M)
"Two Girls on Broadway" (M-G-M)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$13,500. (Average, \$12,000)
"Life of Giuseppe Verdi" (Foreign)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$1,100. (Average, \$1,000)
"Rancho Grande" (Rep.)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$800. (Average, \$1,000)

'Blonde' and Show \$6,300 in K. C. Lull

KANSAS CITY, May 2.—In a poor week for first runs "Free, Blonde and 21" plus stage show at the Tower made the best showing with \$6,300. "Johnny Apollo" did \$7,600 at the Uptown and Esquire. The weather was cool.

Estimated takings for the week ending April 22-26:

"Johnny Apollo" (20th-Fox)
ESQUIRE—(800) (25c-40c) 9 days. Gross: \$3,200. (Average, 9 days, \$3,100)
"My Son, My Son" (U. A.)
"The Outsider" (Alliance)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$6,500. (Average, \$9,500)
"Virginia City" (W. B.)
NEWMAN—(1,900) (25c-40c) 6 days, 2nd week. Gross: \$4,800. (Average, 6 days, \$6,200)
"Til We Meet Again" (W. B.)
"East Side Kids" (Mono.)
ORPHEUM—(1,500) (25c-40c) 8 days. Gross: \$5,000. (Average, 8 days, \$5,400)
"Free, Blonde and Twenty-One" (20th-Fox)
TOWER—(2,200) (25c) 7 days. Stage: Randolph Avery Trio; Don & Jane Ford; Ed Rickard, and Lester Harding. Gross: \$6,300. (Average, \$6,000)
"Johnny Apollo" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 9 days. Gross: \$4,400. (Average, 9 days, \$4,300)

Powers to Cleveland

CINCINNATI, May 2.—Charles Powers, local Paramount salesman, has been transferred to the Cleveland branch, where he succeeds Max Greenwald, who enters the exhibition field, having taken over the Capitol, Lincoln, Rialto and Rivoli, at Elyria, O., formerly operated by John Perkas. Robert Clark, of the Pittsburgh exchange, son of M. R. Clark, Cleveland, Paramount manager, succeeds Powers here.

'Cargo' Garners \$16,000, St. Louis

ST. LOUIS, May 2.—"Strange Cargo" led here with \$16,000 at Loew's State. "Too Many Husbands" and "House of Seven Gables" took \$5,000 at the Missouri.

Estimated takings for the week ending April 26:

"Primrose Path" (RKO)
"Beyond Tomorrow" (RKO)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$11,000. (Average, \$11,500)
"Johnny Apollo" (20th-Fox)
FOX—(3,038) (25c-40c-55c) 9 days. Gross: \$9,500. (Average, 7 days, \$11,000)
"Strange Cargo" (M-G-M)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$16,000. (Average, \$13,000)
"Too Many Husbands" (Col.)
"House of Seven Gables" (Univ.)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,000)
"Enemy Agent" (Univ.)
"Half a Sinner" (Univ.)
ST. LOUIS—(4,000) (25c-35c) 9 days. Gross: \$3,600. (Average, 7 days, \$2,600)

Seating Net \$105,135

American Seating Co. has reported net profit of \$105,135 for the quarter ending March 31, last, equal to 47 cents per share on 221,062 shares of common. The profit compares with a net loss of \$33,688 in the same quarter last year.

'Husbands' Is Seattle's Best, Taking \$8,100

SEATTLE, May 2. — "Too Many Husbands" grossed \$8,100 at the Liberty. "Johnny Apollo" at the Fifth Ave. drew \$7,900. The weather was mild but somewhat rainy.

Estimated takings for the week ending April 26:

"My Son, My Son" (U. A.)
BLUE MOUSE — (950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,300. (Average, \$4,000)
"Johnny Apollo" (20th-Fox)
"Ma, He's Making Eyes At Me" (Univ.)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$7,900. (Average, \$7,000)
"Too Many Husbands" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: \$8,100. (Average, \$5,000)
"Abe Lincoln in Illinois" (RKO)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,100. (Average, \$4,000)
"Primrose Path" (RKO)
"The Farmer's Daughter" (Para.)
ORPHEUM — (2,450) (25c-40c) 7 days. Gross: \$6,300. (Average, \$6,000)
"Danger on Wheels" (Univ.)
"Grandpa Goes to Town" (Rep.)
PALOMAR—(1,500) (20c-25c-40c) 7 days. Major Bowes' "Fifth Birthday" unit on stage. Gross: \$5,900. (Average, \$5,000)
"It's a Date" (Univ.)
"Millionaire Playboy" (RKO)
PARAMOUNT—(3,050) (20c-40c) 7 days, 2nd week. Gross: \$5,800. (Average, \$6,000)

'Date' Providence Leader at \$9,200

PROVIDENCE, May 2. — "It's a Date," dualed with "Ma, He's Making Eyes At Me," took a handsome \$9,200 at the Majestic, and the Loew's State combination of "My Son, My Son" and "The Outsider" brought \$12,500. The weather was bad.

Estimated takings for the week ending April 24-25:

"Primrose Path" (RKO)
"RKO" (Univ.)
FRAMED—(2,239) (25c-35c-50c) 7 days, 2nd week. Gross: \$6,200. (Average, \$6,000)
"My Son, My Son" (U. A.)
"The Outsider" (Alliance)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$12,500. (Average, \$11,000)
"It's a Date" (Univ.)
"Ma, He's Making Eyes At Me" (Univ.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$9,200. (Average, \$7,000)
"Dark Command" (Rep.)
"Just Like a Woman" (Alliance)
STRAND — (2,200) (25c-35c-50c) 7 days. Gross: \$5,500. (Average, \$6,000)
"Rancho Grande" (Rep.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Billy House; Victoria Six; Freddie Craig; Novello Brothers, and Earl and Frances. Gross: \$6,100. (Average, \$6,500)
"Northwest Passage" (M-G-M) (3 days)
"The Farmers' Daughter" (Para.) (4 days)
"The Man from Dakota" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,800. (Average, \$1,700)

Theatre Firm Formed

DOVER, Del., May 2. — Jackwald Inc., has been formed here to deal in amusement, listing a capital of 1,000 shares of no par. The incorporators were David J. Reinhardt, Jr., Frances E. Davis and Marion B. Collings, of Wilmington.

Named District Head

KANSAS CITY, May 2. — Commonwealth Theatres, Inc., has named M. B. Smith, who has been city manager at Garden City, Kan., district manager for the group in Western Kansas.

Critics' Quotes . . .

"BUCK BENNY RIDES AGAIN" (Paramount)

A succession of amusing lines and incidents that are smoothly put together to provide a highly entertaining show.—Rose Pelswick, New York Journal American.

It's all funny enough to pop your buttons. . . Jack Benny and Rochester together and separately are droll as ever, the best master-and-man act in the business.—Archer Winsten, New York Post.

Breezy and saucy entertainment, full of bounce and laughter. . . I guarantee that you'll laugh yourself silly over some of the sequences and when the film is over you will greedily ask for more.—William Boehnel, New York World-Telegram.

This is good fun, all the way through, a comedy filled with likeable people, none of them serious about anything but nonsense.—Eileen Creelman, New York Sun.

A bulging grab-bag of screen entertainment . . . a motion picture which has spread its nets wide for popular approval.—Howard Barnes, New York Herald Tribune.

A better-than-average motion picture . . . still more of a broadcast than a motion picture.—B. R. Crisler, New York Times.

One of the fastest and funniest pictures of the season.—Lee Mortimer, New York Daily Mirror.

A laugh from beginning to end. . . Benny steps back and lets Rochester have the spot.—Kate Cameron, New York Daily News.

"IRENE" (RKO)

All in all, "Irene" is what the doctor ordered in the way of entertainment . . . light, gay and has a Cinderella motif that always pleases the paying customers.—Louella O. Parsons, Los Angeles Examiner.

May lack crispness, but I feel that it does contain a lot of entertainment. In other words, I believe that RKO has a hit on its hands.—Jimmy Starr, Los Angeles Herald and Express.

Has the larger values that will cause it to benefit at the box-office . . . an airy, fluffy, light-spirited entertainment, particularly suited to the season of the year.—Edwin Schallert, Los Angeles Times.

"A BILL OF DIVORCEMENT" (RKO)

This is a subdued, tense and capably acted drama . . . Maureen O'Hara (the Irish actress discovered by Charles Laughton) gives her best performance to date.—Newsweek.

Dated as the theory on which it is based, the old drama has lost much of its power to terrify, little of its power as a well-made play. As such it gives its cast their first meaty parts in many a day.—Time.

"STRANGE CARGO" (M-G-M)

The supernatural idea inherent in the book "Not Too Narrow, Not Too Deep" has been pretty thoroughly obscured without actually being removed from the long and violent melodrama.—B. R. Crisler, New York Times.

A strange picture . . . mythical melodrama at its most incongruous . . . the whole entertainment strikes me as a muddle of moods and treatments.—Howard Barnes, New York Herald Tribune.

The star's (Joan Crawford) performance is one of her best, but unfortunately neither she, nor Gable, nor Ian Hunter, nor any of the other accomplished actors in the cast is able to give the drama an importance and depth necessary to put over a religious preachment of this kind.—Kate Cameron, New York Daily News.

The picture as a whole is so well executed, so compelling and so convincing that its minor faults, including an occasional tendency to wordiness, evaporate. Frank Borzage's direction is impressive.—Lee Mortimer, New York Daily Mirror.

"THE DOCTOR TAKES A WIFE" (Columbia)

You can be sure Columbia has a laugh hit in this rollicking farce comedy . . . Alexander Hall's direction keeps the amusing situations bouncing merrily along.—Harry Mines, Los Angeles Daily News.

Very much okay for light comedy . . . It's just the sort of Summer fare that's dreamed about, in fact . . . will fill a real requirement for gay entertainment.—Edwin Schallert, Los Angeles Times.

Riotous is a calm word in describing Columbia's latest fun-feast . . . moves along at such a rapid pace, it is often difficult to catch all the yells and screams.—Jimmy Starr, Los Angeles Herald Express.

S. O. S. Buys Carbons

S.O.S. Cinema Supply Corp. has bought the entire stock of Carbon Products Co., former distributors of projection arc and photographic carbons imported from the Champion Electrical Works, London, and Compagnie Lorraine de Charbone, Paris.

Niesse Quits Olson

INDIANAPOLIS, May 2. — Carl Niesse has resigned as general manager of the Olson Theatre Enterprises to devote all his time to operation of his Vogue here. Charles M. Olson will supervise the five Olson houses personally.

Altec Promotes Shriver

E. C. Shriver, former Altec branch manager in Cincinnati, has been named Western district manager with headquarters in Los Angeles. H. W. Dodge, former district manager, has been promoted as headquarters staff representative on the West Coast.

File Boston Answers

BOSTON, May 2. —Answers of the defendant, Loew's, Inc., to the interrogatories propounded by the plaintiffs: Lynn Open Air Theatre, Inc., E. M. Loew, Inc., Miami Drive Theatre, Inc., and the Winchester Theatre Co. have been filed.

French Films at Fair To Show War Effort

The French war effort will be depicted in a special exhibition of pictures taken at the front in the French Pavilion of the World's Fair this Summer, according to information from Paris.

War films will be sent by air to New York for exhibition at the Fair, according to present plans.

'Apollo' Cincinnati Winner at \$10,400

CINCINNATI, May 2. — Business was adversely affected by continuous heavy rains over several days, following which natives watched the flooded Ohio River and visited inundated areas. Despite this, "Johnny Apollo" garnered \$10,400 at the RKO Palace.

Estimated takings for the week ending April 24-27:

"Til We Meet Again" (W. B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$11,000. (Average, \$12,000)
"Johnny Apollo" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$10,400. (Average, \$10,000)
"Rebecca" (U. A.)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: \$6,900. (Average, \$10,000)
"Too Many Husbands" (Col.)
RKO CAPITOL—(2,150) (35c-42c) 7 days, 2nd week. Gross: \$4,000. (Average, \$6,500)
"Black Friday" (Univ.)
"The House of Seven Gables" (Univ.)
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: \$4,600. (Average, \$5,000)
"The Ghost Comes Home" (M-G-M)
"Forgotten Girls" (Republic)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,250. (Average, \$1,500)
"Men Without Souls" (Col.)
"Double Alibi" (Univ.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"The Blue Bird" (20th-Fox)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$4,700. (Average, \$6,000)

'Star Dust,' Barron \$16,500, Cleveland

CLEVELAND, May 2. — "Star Dust" at the RKO Palace grossed \$16,500. Blackstone and Blue Barron's orchestra assisted on the stage. "My Son, My Son" drew a good \$6,000 at Loew's Stillman in its second week.

Estimated takings for the week ending April 25:

"Primrose Path" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: \$3,500. (Average, \$4,000)
"It's a Date" (Univ.)
WARNER'S HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$10,000. (Average, \$11,000)
"Star Dust" (20th Fox)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Blackstone, Blue Barron on stage. Gross: \$16,500. (Average, \$13,500)
"Young Tom Edison" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$10,000. (Average, \$11,000)
"My Son, My Son" (U. A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: \$6,000. (Average, \$4,000)

Charter 4 Companies

ALBANY, May 2. — Four motion picture concerns have been incorporated here as follows: Cedar Productions, Inc., by Leo Peters, Proctor Jones and Robert Whitehead, New York; Brandeis Theatre Corp., by Frances Greenberg, Lillian Goldstein and Minna Tauber, New York; Esperia Film Distributing Co., Inc., by Ferdinand A. and Rose Macaluso and Samuel F. Frank, New York, and Car-Jam Amusement, Inc., by Eugene Tripi, Bernard Zucker and Joseph Fitzula, New York.



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TEN CENTS

RCA Assails Film Interests On Television

F. C. C. Brief Charges Inferiority Sought

WASHINGTON, May 5.—Film interests backing the Allen B. DuMont Laboratories are attempting to delay the advancement of television, the Radio Corp. of America charged on Friday in a brief filed with the Federal Communications Commission after hearings on commercialization of television. Paramount owns a 50 per cent interest in DuMont.

"The vigor with which DuMont advocates a frame frequency of 15, which is less than that used for home motion pictures, and substantially less than that used in theatre motion pictures, may not be without an impelling motive," the brief declares.

"The motion picture interests which are financing DuMont have a much greater financial stake in the movie industry than they have in television. Their recent interest in television is

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Fair Acts to Spur Publicity by Radio

Radio policies have been revamped completely by the New York World's Fair in an effort to win more nationwide radio publicity and to replace promotional outlets which are no longer available.

The rule that only Fair exhibitors could broadcast commercial programs from the Fair has been abolished.

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Television to Show Film in Production

Hollywood, May 5.—The first television broadcast from a film set will take place Tuesday night when W6XAO, Don Lee station here, will pick up scenes of "Dreaming Out Loud" as they are enacted for the film camera at the RKO studio.

The hour broadcast also will show Director Harold Young giving instructions to the cast and technicians setting up lights and equipment. Jack Votion and Sam Coslow, heads of Voco Productions, who are making the film, will appear, in addition to Lum and Abner, Frances Langford and others of the cast.

Rodgers to Open Metro's Regional In Frisco Today

SAN FRANCISCO, May 5.—William F. Rodgers, general sales manager of M-G-M, tomorrow will give the Western sales staff its first information on the company's new season schedule of 44 to 52 features. This is about the same number as for the present season.

The meeting tomorrow and Tuesday at the St. Francis Hotel will be the first of four regional sales meetings. The others will be at Chicago, May 13-14; New York, May 17-18, and Washington, May 20-21.

Edward M. Saunders, Western sales manager, will preside with Rodgers. Among other home office executives in attendance will be: Howard Dietz, director of advertising and publicity; Edwin Aaron, assistant to Rodgers, and Joel Bezahler.

Rodgers is due here tomorrow morning, after having conferred with production executives at the studio obtaining last-minute data on the new

(Continued on page 6)

Expect Australian Money Deal Soon

The Australian monetary quota is expected to be concluded this week on a basis which will permit American distributors to withdraw the equivalent of 50 per cent of their revenue for the 12 months ended June 30, 1939, it is believed here as a result of information received from Canberra by home offices over the weekend.

It was ascertained definitely that negotiations on the quota are still in progress in Australia and have not been concluded, as was reported last week. The negotiations are so far advanced, however, that it is possible to predict the outcome with some de-

(Continued on page 6)

3 Executives of 'U' Increase Holdings

WASHINGTON, May 5.—The Securities and Exchange Commission's semi-monthly summary of transactions of officers and directors in the securities of their corporations, shows large increases in the holdings of Universal Corp. officers in March.

The report disclosed that Nathan J. Blumberg, president, acquired 9,500 common voting trust certificates, bringing his total to 13,500; Peyton Gibson, director, acquired 500, bringing his total to 1,300 direct and 26,500 through Standard Capital Co., and Charles D. Prutzman, vice-president, acquired 3,500 voting trust certificates

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U.S. ASKS GRIFFITH SUIT BE DISMISSED

Foreign Funds Big Worry Yet: Zanuck

The problem of readjusting industry operations to compensate for lost European revenues is still unsolved.

Darryl F. Zanuck, 20th Century-Fox vice-president and production chief, said on his arrival here from the Coast on Saturday.

"I don't know where the money is coming from to make up our European losses," Zanuck said. "I don't see how any company can break even in the face of existing circumstances."

Production costs cannot be reduced without impairing picture quality and it is problematical whether a major share of the foreign loss can be recovered through better returns from the American markets. We hope for

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Italian Agreement Prospects Good

Prospects of an early agreement with Italian Government officials on regulations which would permit the return to that market of the American distributors were reported over the weekend to be good.

The war situation, commanding the attention of officials in Rome to the exclusion of almost everything else, threatens to hamper or delay the negotiations now being conducted there by F. W. Allport, M.P.P.D.A. European representative. However, if the seriousness of the international situation does not increase at once, there is every reason to believe that the current conferences can be concluded promptly.

Whatever proposals are made by Rome, of course, will have to be submitted to the companies here and approved by them before being finalized. It is reported that the proposals revolve around authorization for some amount of currency remittance and the organization by the American companies of new organizations in Italy under circumstances not yet defined.

Sudden Step Unexplained By Government With Defense Mystified

OKLAHOMA CITY, May 5.—Culminating several wholly unexplained legal maneuvers, the Government submitted an order in Federal District court here on Friday directing the dismissal of its anti-trust suit against Griffith Amusement Co. and the major distributors.

Government attorneys declined to comment on the reasons for the move and defense attorneys professed to be completely mystified by it.

Speculation here revolved about two obvious explanations: one, that the Government may have decided its case was weak or that it duplicated similar actions pending against the Schine Circuit at Buffalo and the one against the Crescent Amusement Co. at Nashville; the other, that it may be reinstituted against the same defendants along different lines at some future date, or a new case may be filed in some other section of the country where conditions may present a better Government case.

Lacking authoritative comment from any source, the action remains unexplained in the local trade.

The preliminaries to the surprising climax on Friday began last month with a motion by the Government to reduce the time by one month that had been allotted it to furnish defend-

(Continued on page 8)

Rep. Costello Calls Neely Bill 'Poison'

WASHINGTON, May 5.—Charging that there is nothing in the Neely block booking bill to guarantee that bad pictures will not be shown or to require the exhibition of good films, Representative John M. Costello of California on Friday told the House that the measure is "a legislative patent medicine to cure all the ills of the motion picture industry, but it contains a slow poison as its active ingredient."

In a lengthy detailed exposition of the methods and operation of the industry in the *Congressional Record*, Costello explained that selling is still conducted on "horse trading" principles and declared that "compulsory block booking" is due, at least in part, to "the compelling desire of the

(Continued on page 6)

DO NOT REMOVE

◀ Purely Personal ▶

L LEONARD GOLDENSON and **S**AM DEMBOW, Paramount home office executives, left for Phoenix, Ariz., and the Coast last night on a two-week business trip.

MAURICE SILVERSTONE, United Artists chief executive, arrives from the Coast by train today.

FERDINAND REISER, owner of the Schauspielhaus Theatre, Zurich, Switzerland, sailed for Europe Saturday on the *Washington* with Mrs. REISER and their daughter, MARGUERITE.

MORRIS GODDMAN, vice-president in charge of foreign sales for Republic, is due here May 28 from a three-month tour of Latin America.

J. CHEEVER COWDIN, **N**ATE J. BLUMBERG, **D**ANIEL SHEAFFER and **W**ILLIAM GERMAN return from Louisville today.

S. BARRET McCORMICK, RKO advertising and publicity director, will return to New York today from Louisville.

L. W. CONROW, president of Altec, has returned after a two-week trip to the Southwest and the Coast.

HAL ROACH, United Artists producer, will arrive from Louisville by plane today for a brief visit.

C. C. PETTIJOHN will return tomorrow from Louisville and Washington.

GEOERGE WEEKS has arrived on the Coast to start production for Monogram.

O. HENRY BRIGGS, president of Pathe Laboratories, is in Los Angeles.

EDWARD FITZGERALD, Paramount booker in New Haven, has been promoted to second lieutenant in the Connecticut National Guard.

BURTUS BISHOP, Pittsburgh branch manager for M-G-M, and **K**ENNETH GILMORE of the Kansas City office, celebrate birthdays today.

Warner Outing June 19

Annual outing of the Warner Club, feature of which will be a "mystery cruise," will be held June 19. In charge of arrangements are Ralph Budd, chairman; Nat Fellman, president of the Club; S. Schneider, Harry Mayer, Robert Salomons, Stuart Aarons, I. H. Birnbaum and Ann Martin.

Making 'Honeymoon'

HOLLYWOOD, May 5.—Republic plans a picture, "Honeymoon Island," based on the island of the same name off the Georgia coast, owned by Clinton M. Washburn. The film will be made on the island.

Ann Sheridan Gets Role

HOLLYWOOD, May 5.—Ann Sheridan will play the feminine lead in Warners' "City of Conquest," starring James Cagney.

Education Council Studies Films' Use

WASHINGTON, May 5.—Recent developments in the use of educational films were surveyed over the weekend by representatives of 500 colleges, universities and educational associations attending the 23rd annual meeting of the American Council on Education here.

Opening the conference Friday afternoon, Dr. George F. Zook, president, declared that "the possibilities of the motion picture in education have scarcely been dreamed of."

"The time has now come for educators in the United States to assume a leadership in the educational motion picture, to advise on the kinds of films needed in education, to develop better ways of distributing films to schools, and to see that films are used, and used effectively, in the classroom," he said.

"No longer can we regard the motion picture as the exclusive possession of the entertainment world, or as a complicated gadget whose value is unproved in formal education. Instead, the motion picture supplies a peculiarly vivid experience, which can make the curriculum into a living thing—a new world in which time and space are no longer insuperable."

Fund Unit Meets Today

Meeting of the exhibitors committee of the Greater New York Fund's Motion Picture Section, originally planned for last Thursday, will be held today at Dinty Moore's. Attending will be B. S. Moss, chairman of the division; Harry Buxbaum, Joseph Lee, Nat Beier and Robert Wolff.

Set Roxy Dividend

The board of directors of Roxy Theatre, Inc., on Friday declared a quarterly dividend of 37½ cents per share on the outstanding preferred stock, payable June 1, to stockholders of record on May 18.

Marx Brothers Use 16 mm. For Audience Reactions

CHICAGO, May 5.—The Marx Brothers with a company of 30 are giving the story material for their next M-G-M picture, "The Marx Brothers Go West," a tryout in the Midwest.

Previously the comedians have experimented with a series of personal appearances before making a picture. The idea has been to determine which gags are the best laugh getters. This year, however, they are doing their checking of laughs and action in a new way. They are making 16 mm. films of the show and recording the audience reaction simultaneously.

This filming of the act shows what action takes place while the dialogue is being read. In the past the comedians failed to remember anything out of the ordinary in action while reading lines.

B. & K. officials were in attendance at the opening show at the Rialto in Joliet. After two days in Joliet the troupe went to Toledo, O., and from there to Detroit for a week. Eddie Buzzell, who will direct the picture will join the troupe when it opens at the Chicago here May 10.

Saroyan Gets Play Award Next Sunday

Award for the best play of the year will be made to William Saroyan for "The Time of Your Life" at 8:30 P. M. next Sunday over the NBC-Blue network by the New York Drama Critics Circle. Burns Mantle, president, and George Jean Nathan will speak and members of the cast will enact scenes from the play.

Saroyan's play was voted best by a vote of 11 to 7 on the seventh ballot at a meeting of the Circle Friday. The play failed to receive the required three-quarter vote but, under a new ruling, a majority vote is acceptable after the fifth ballot. Runner-up was Robert Sherwood's "There Shall Be No Night." Last year, no decision was reached and the honors were shared by four plays.

Goldwyns, Korda Paley Due Today

Samuel and Mrs. Goldwyn, Alexander Korda and Merle Oberon and William Paley, president of CBS, will arrive from the Coast today by an American Airlines chartered plane.

Goldwyn will confer here on sales plans for "The Westerner." Korda plans to leave for Europe by *Clipper* next Saturday to resume production in England. Paley is returning from a Coast visit.

Attend RKO Meeting

HOLLYWOOD, May 5.—Sam Coslow and Jack Votion of Voco Productions, who will make three films a year for three years featuring Lum and Abner for RKO release, will attend the RKO sales convention in New York May 26-29.

Share 'York' Credit

HOLLYWOOD, May 5.—Jack L. Warner has announced that Hal B. Wallis and Jesse Lasky will share production credit on "The Amazing Story of Sergeant York," for which Pat O'Brien is being tested.

Expect 250 to 300 At Pacific Meeting

Los Angeles, May 5.—Robert H. Poole, executive director of the Pacific Coast Conference of Independent Theatre Owners, says he expects from 250 to 350 independent exhibitors on the Coast to attend the first annual convention of the organization at the Ambassador Hotel here, beginning Wednesday.

Proclaims May 16 Edison Day in N. J.

Gov. A. Harry Moore of New Jersey has proclaimed May 16 Thomas Alva Edison Day, citing the simultaneous premiere showings of M-G-M's "Edison, the Man" in the four Oranges on that day and the concurrent celebration of the "Edison Pageant of Progress."

Festivities of the Pageant will be highlighted by a fireworks display or May 15 at the Park Commission Reservation in West Orange. A premiere ball at the Orange Armory and a parade also are on the program.

Whiteman Leaves Morros Film Cast

HOLLYWOOD, May 5.—By mutual consent National Pictures Corp., headed by Boris Morros, and Paul Whiteman have dissolved their contract calling for the leader and his band to appear in "Second Chorus." Artie Shaw and his band will substitute.

It is understood Whiteman has been signed by M-G-M for "Strike Up the Band," starring Judy Garland and Mickey Rooney.

Seek to Quiz Schaefer

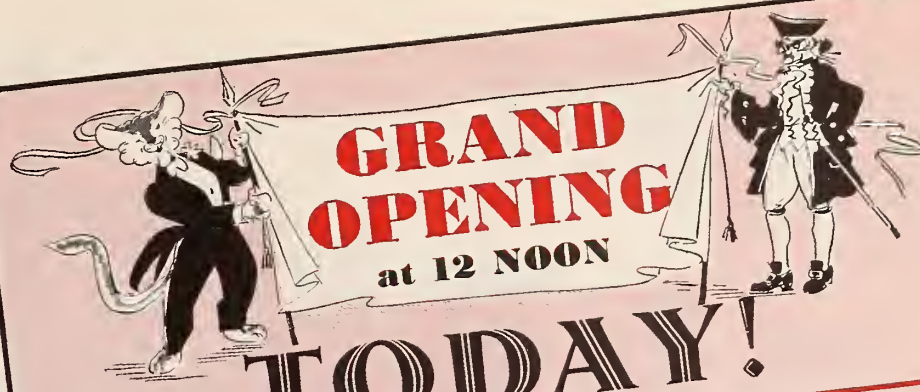
Application to examine George J. Schaefer, president of RKO, before trial was filed on Friday in the N. Y. Supreme Court by Caron Corp. in connection with its injunction and damage suit against RKO. Suit claims the defendant disparaged the plaintiff's perfume product in the film, "Primrose Path." The Appellate Division of the Supreme Court recently upheld a denial of a motion for a temporary injunction pending trial in the action.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Ever in the forefront of industry showmanship, M-G-M again is first in friendly exhibitor service. Today's big Broadway event is the opening of our Booth pictured below. The many services which it rendered to exhibitors and their friends last year have been amplified. It is truly the industry's official and most conveniently located World's Fair Information Center.



Come One! Come All to Times Square in the heart of N. Y.

AT BROADWAY, SEVENTH AVE. & 46th ST.

WORLD'S FAIR INFORMATION CENTER

Courtesy of

**LOEW'S-METRO-
GOLDWYN-MAYER**

MUSIC BY WORLD'S FAIR BAND!
CELEBRITIES! CITY OFFICIALS!

INFORMATION CENTER
for the Film Trade from Coast to Coast

OPEN 12 HOURS DAILY
starting 9:30 A. M.

REGISTER WHEN YOU ARRIVE IN
TOWN! 100 CHEERFUL SERVICES FREE!

PREMIERE TODAY!

MAYOR LA GUARDIA and Harvey Gibson, head of the World's Fair, address huge throng in front of Loew's-M-G-M Information Center in preliminary 1940 mass meeting

M-G-M RELEASES IN MAY ARE A WORLD'S FAIR IN THEMSELVES!
Wallace Beery in "20 Mule Team," Spencer Tracy in "Edison, The Man," Vivien Leigh, Robert Taylor in "Waterloo Bridge," Joan Crawford, Fredric March in "Susan and God"

DARK COMMAND *In Great De* **BY LEADING THEATRES E**

Raoul Walsh

CAST

CLAIRE TREVOR
 JOHN WAYNE
 WALTER PIDGEON
 ROY ROGERS
 GEORGE HAYES
 PORTER HALL
 MARJORIE MAIN
 RAYMOND WALBURN

ROXY.....NEW YORK CITY, N. Y.

PARAMOUNT and FENWAY
 (DAY AND DATE) • BOSTON, MASS.

EARLE.....PHILADELPHIA, PA.

FOX.....ST. LOUIS, MO.

ALVIN.....PITTSBURGH, PA.

COLONIAL.....RICHMOND, VA.

NORVA.....NORFOLK, VA.

STRAND.....LOUISVILLE, KY.

ESQUIRE and UPTOWN....KANSAS CITY, MO.

NEW MALCO.....MEMPHIS, TENN.

STATE.....OMAHA, NEBR.

ORPHEUM.....PORTLAND, ORE.

PALOMAR.....SEATTLE, WASH.

PARAMOUNT.....DENVER, COLO.

GRAND.....ALBANY, N. Y.

20th CENTURY.....BUFFALO, N. Y.

CENTURY.....ROCHESTER, N. Y.

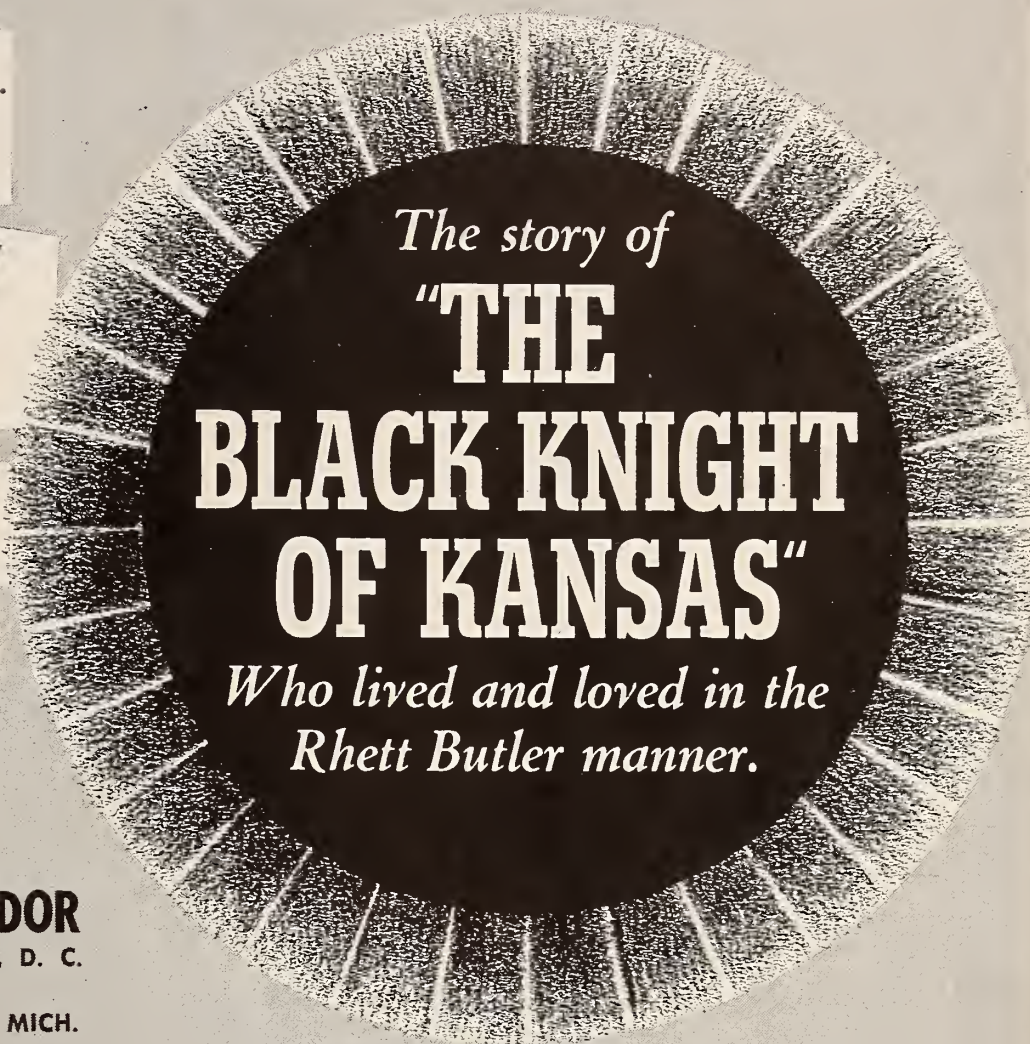
PARAMOUNT.....SYRACUSE, N. Y.

STRAND.....PROVIDENCE, R. I.

WARNER.....BRIDGEPORT, CONN.

A R E P U B L

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The story of
**"THE
 BLACK KNIGHT
 OF KANSAS"**

*Who lived and loved in the
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PLE and **AMBASSADOR**
 (AND DATE) • WASHINGTON, D. C.

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ROSEVELT CHICAGO, ILL.

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ILEY BALTIMORE, MD.

ERT CINCINNATI, OHIO

ONIAL DAYTON, OHIO

ILEY ATLANTIC CITY, N. J.

..... BATTLE CREEK, MICH.

HINGTON BAY CITY, MICH.

E FLINT, MICH.

ESTIC GRAND RAPIDS, MICH.

TOL JACKSON, MICH.

TOL KALAMAZOO, MICH.

DMER LANSING, MICH.

ND PONTIAC, MICH.

ILY PORT HURON, MICH.

ANKLIN SAGINAW, MICH.

WARNER'S

DOWNTOWN (DAY AND DATE) **HOLLYWOOD**

LOS ANGELES, CALIF. • HOLLYWOOD, CALIF.

RIALTO TACOMA, WASH.

ORPHEUM OAKLAND, CALIF.

EMPIRE BIRMINGHAM, ALA.

SAVANNAH SAVANNAH, GA.

PARAMOUNT BATON ROUGE, LA.

SAENGER PENSACOLA, FLA.

MAJESTIC SHREVEPORT, LA.

CROWN MOBILE, ALA.

MAJESTIC HOUSTON, TEX.

MAJESTIC DALLAS, TEX.

SHERIDAN MIAMI, FLA.

STATE OKLAHOMA CITY, OKLA.

PICTURE

Rodgers to Open Metro's Regional In Frisco Today

(Continued from page 1)
season product lineup. He shaped up details with Al Lichtman, vice-president, and Louis B. Mayer, production chief, during the past week. Dietz, who set in at the conferences, will give the sales meeting an outline of the 1940-'41 advertising, publicity and exploitation campaigns.

Saunders, who went to Hollywood from New York last week, will arrive here with Rodgers and Dietz.

The sales staffs of five M-G-M Western exchanges will attend the meeting here.

District Manager George A. Hickey of Los Angeles will head the sales staffs, as follows:

Los Angeles—Clayton T. Lynch, branch manager; W. A. Callihan, S. S. Davis, R. L. Harris, Jack Jacobs.

San Francisco—Langdon C. Wingham, branch manager; L. S. Hulling, E. C. Mix, Sidney Schuster.

Seattle—Maurice Saffle, branch manager; Mac Rubenfeld, B. Wallace Rucker.

Portland—Louis Amacher, branch manager; Joseph T. Warren.

Salt Lake City—Samuel J. Gardner, branch manager; C. W. Boulet, C. E. Lind, D. T. McElhinney.

Expect Australian Money Deal Soon

(Continued from page 1)
gree of certainty, according to foreign department executives.

The new agreement, as proposed by the Australian Government, will be retroactive to last March 1 and will continue to April 1, 1941. The proposals further contemplate the allocation for withdrawal by the companies of a lump sum equivalent to 50 per cent of the total Australian revenues of all American distributors during the 12 months ended last June 30. This sum will represent the maximum amount which may be withdrawn during the period ending next April 1 by all of the American companies.

Apportionment of individual amounts out of this lump sum to individual companies will have to be agreed upon by the companies among themselves, as was done in the case of Britain's monetary regulations.

Seek 75 Per Cent

American companies are seeking authorization for withdrawals in excess of the proposed 50 per cent on the ground that Australia's tariff and 25 per cent cancellation greatly increase the cost of doing business there. They have requested, and still hope for, a 75 per cent withdrawal.

An unofficial estimate of the companies' revenue for the period on which the withdrawal amount will be based was approximately \$4,500,000.

The Australian Government recently proposed a 10 per cent increase in duties on all imports as part of a war revenue measure.

Reisinger Shifted

NEW HAVEN, May 5.—William Reisinger, formerly of Loew's, Dayton, O., has been named manager of the Bijou, Loew-Poli house here, succeeding Stanley Barlup, who has been shifted to Washington.

Top Executives of Metro-Goldwyn-Mayer



N. M. SCHENCK
President of
Loew's



AL LIGHTMAN
Vice-President
of Loew's



LOUIS MAYER
Vice-President
Production



W. F. RODGERS
General Sales
Manager



T. J. CONNORS
Eastern Sales
Manager



E. M. SAUNDERS
Western Sales
Manager



HOWARD DIETZ
Advertising and
Publicity Head



SI SEADLER
Advertising
Manager



FRED QUIMBY
Short Subject
Manager

Wight Arrives For ERPI Duties Here

D. D. Wight, Far East manager for Erpi and Western Electric, arrived in New York over the weekend to take over new duties in the Erpi home office foreign department here.

H. von Zeppelin succeeds Wight as manager of the Shanghai office.

On his return Wight reported considerable theatre opening activity in China, particularly in the interior where new population has been driven by the advance of the Japanese armed forces. New theatre building activity is also apparent in the three large coastal cities, Shanghai, Hong Kong and Tientsin, he said, as well as in Japanese occupied territory, where theatres are being established for the entertainment of the army of occupation.

Theatre activity in the Philippines, he said, has been good for the past year but is now diminishing, probably due to the uncertain status of the plans for the Islands' independence.

Rep. Costello Calls Neely Bill 'Poison'

(Continued from page 1)

exhibitor to secure the best possible terms in buying motion pictures."

The unique problems of the industry will not be corrected by enactment of the Neely bill, he contended, but, rather, will be more confused, and the measure should be carefully studied "before Congress ventures into the field of price control legislation for an industry that has the peculiarities of the motion picture to contend with in its marketing and pricing problem."

Building Is Active In K. C. Territory

KANSAS CITY, May 5.—Theatre building and modernization have begun with warm weather in this territory. The new Plaza in Burlington, Kan., \$25,000, 500 seats, was opened last week; Earl Kerr plans to open the new \$75,000 Odin in Marshalltown, Ia., 900-seater, May 8; R. N. Bernau is rebuilding his Iowa at Lake City, Ia., 600 seats; Chester L. Hurdle is building a new house in Milan, Mo., seating 600.

Recent modernizations include Walt Talbot's Victory, Rogers, Ark.; Palace, D. Donnici's downtown subsequent in Kansas City. Commonwealth is reopening the Plaza, Harrison, Ark., which burned last December, after rebuilding and is starting work on the Melba, Batesville, Ark. Commonwealth also is installing additional cooling in the State and Ritz, Garden City, Kan., and the Kansan, Great Bend, Kan.

Harpole Transferred

BUFFALO, May 5.—Don Harpole, manager of Dipson-Basil's Riviera, North Tonawanda, has been shifted to the Bailey here, succeeding Edward Wise, resigned. The Riviera post goes to Carl Cobernus, assistant manager.

Gets 'Father' Rights

Barney Gerard has acquired the screen rights to the George McManus cartoon, "Bringing Up Father," planning to produce two features annually. Gerard formerly was on the writing staff at M-G-M.

3 Executives of 'U' Increase Holdings

(Continued from page 1)

and 3,000 voting trust certificate warrants, the latter from the corporation without charge, bringing his holdings to 4,400 certificates and 3,000 warrants.

Acquisition of another 25 shares of Loew's Boston Theatres common stock was reported by Loew's, Inc., bringing its interest to 100,339 shares, and Charles C. Moskowitz, executive, reported the acquisition of 300 shares of Loew's, Inc., common, giving him a total of 900 shares.

Acquisition of 11 shares of Pathe Film common stock, representing his total holdings, was reported by Robert M. McKinney.

CBS Holdings Shown

In Columbia Broadcasting System, William S. Paley, president, reported the disposition of 20,000 shares of Class A common and 85,777 shares of Class B, 5,770 shares of the latter by gift, reducing his interest to 530 shares of Class A held direct and 87,980 held through a holding company and 254,356 shares of Class B, held direct.

Additions of Universal holdings by Blumberg, Prutzman and Gibson derive from the acquisition during March of 70,400 shares from R. H. Cochrane, former Universal president, by a syndicate of eight Universal officials. Some of the participating company officials are officers of Universal Pictures Co. and not of Universal Corp. so changes in their holdings are not shown in the latter company's report.

Radio Campaign Gets \$325,848 for Opera

The radio campaign on behalf of the \$1,000,000 fund raising drive of the Metropolitan Opera Company raised \$325,848 of the \$974,893 realized, it was disclosed as the drive ended. Radio listeners made 151,619 of the 165,000 individual contributions.

William Kostka, manager of the press department, won a \$15 pool started by the 15 members of the NBC staff who were in charge of the radio drive. Kostka named \$323,000 as the amount which radio would raise.

Fair Acts to Spur Publicity by Radio

(Continued from page 1)

ished, and special facilities, including an outdoor bandstand and an indoor auditorium, will be made available to any radio sponsor who wishes to broadcast. All exhibitors who now sponsor radio shows are being urged to originate at least one show from the Fair. Non-exhibitors are being offered the inducements of a ready-made audience on the grounds, together with a publicity tieup.

Locally, there will be about 50 programs devoted to the Fair during the month which ends on May 11, the opening day of the Fair. These, of course, do not include the Sunday afternoon "Salutes" which are carried by NBC, CBS, MBS, CBC and short waved around the world.

Local stations will be benefited particularly by the new ruling. Last year, several interview programs were started and stations found it relatively easy to obtain sponsors for such shows. However, the Fair refused to allow non-exhibitors to announce their commercials from the grounds. One sponsor cut in the commercial from the studio, but most of the programs were ultimately cancelled. As a result, the Fair lost the exploitation and the stations lost some business.

About 100 electrical transcriptions of a 15-minute program have been sent around the country for use by stations. The recordings include a speech by Harvey D. Gibson, head of the Fair, and some musical numbers. Another group of recordings probably will be made within the next 10 days. Additionally, a series of mimeographed speeches, to be read by an announcer or a civic leader, has been sent to stations.

Kate Smith will act as "radio envoy" to the Fair on opening day, next Saturday. All networks will cover the event, and it also will be televised. Program sponsors who have exhibits are announcing the opening of the Fair and will continue the announcements until the opening.

Form Radio Company

DOVER, Del., May 5.—Winx Broadcasting Co. has been formed here to deal in radio broadcasting with a capital of 2,000 shares, no par value. The incorporators were: H. Eugene Savery, Louise G. Pusey, and Eva K. Alexander, Wilmington.

Off the Antenna

NBC television set an amazing record last week when both its visual and aural signals were received for almost a half-hour in the heart of Chicago's Loop, almost 1,000 miles from the W2XBS transmitter in the Empire State Building here.

The sound reception was excellent throughout the period, from 9:12 to 9:29 P. M. EDT, and the visual reception was strong enough to distinguish clearly between men and women performers. June Hynd and Mary Nell Porter were seen discussing hats, and Ward & Van presented a musical number. Reception was noisy, however, and there was intermittent interference from diathermy and other machines in Chicago's business district. Howard C. Luttgen, NBC central division engineer, picked up the signals.

Engineers here have no definite explanation to offer, except to say that the phenomenon has something to do with sunspots. Normally, the ultra-high frequency signals which reach the stratosphere are dissipated, and reception is generally limited to the horizon, but the sunspots create ionic patches and it is believed that this deflects the signal back to earth. Short wave aural broadcasting to Latin America uses this principle of deflection off the stratosphere, but it cannot be used for television. British television was received by NBC engineers here but the signal was almost undecipherable, and it also was received during a sunspot "storm."

Personalities: H. V. Kaltenborn, NBC commentator, will replace Walter Winchell for the "Jergens Journal" during August, when Winchell will take a vacation. Kaltenborn, who was scheduled to start Saturday on his 26th trip to Europe in 27 years, canceled it on Friday. He will start a thrice-weekly series of talks for Pure Oil on May 28 over a split NBC network. . . .

Ben F. Hovel, commercial manager of WOC, Davenport, has been named general manager of WSAU, Wausau, Wis., succeeding Wayne W. Cribb, who resigned. Joe Killeen, salesman and announcer, has been promoted to the post of commercial manager of WSAU. . . .

Horace Heidt and the Musical Knights have been signed for another year by Columbia Records. . . . Forrest Lewis, heard on "Scattergood Baines" series over CBS, now has 18 separate roles on that show. . . . F. C. C. Chairman James L. Fly will be heard over CBS next Sunday at 9 A. M. when he speaks before the Susquehanna Emergency Network, a group of amateur radio operators.

Program Briefs: Ford Motors will extend its programs over the Summer on CBS. The "Sunday Evening Hour" will be renamed the "Ford Summer Hour" on May 19, but the time will remain the same, Sundays from 9 to 10 P. M. The symphony orchestra will be replaced on that date with Leith Steven's orchestra, plus Jessica Dragonette, James Nevill and Linton Wells. N. W. Ayres is the agency. . . . Firestone Tire & Rubber Co. renewed its weekly "Voice of Firestone" for an additional 52 weeks, effective Monday, June 3, over 53 NBC-Red stations. The program has been heard steadily since Dec. 3, 1928.

WNYC received a certificate of merit from the National Association for American Composers and Conductors on Friday "for its attention to American music." Howard Barlow, conductor of the Columbia Broadcasting Symphony orchestra, and Serge Koussevitzky, conductor of the Boston Symphony Orchestra, were similarly honored. Gene Buck, Ascapi president, received a certificate for "having done the most to advance the cause of American music during the past season." Others honored were Roy Harris, composer, and Francis D. Perkins, Herald Tribune music critic.

Film Players on the Air: Dorothy Gish and Walter Abel will be guests on the "Texaco Star Theatre" Wednesday at 9:30 P. M. over CBS. . . . Dorothy Lamour will appear on Rudy Vallee's Sealtest show over NBC-Red on Thursday, May 23, while Rosemary Lane will be heard on the program this Thursday. . . . Frank Craven, William Holden, Martha Scott, Fay Bainter, Beulah Bondi, Thomas Mitchell, Guy Kibbee and Stuart Erwin will be heard in "Our Town" on the "Lux Radio Theatre" tonight at 9 over CBS. . . . Linda Ware will appear with John Conte on "It Happened in Hollywood" over CBS today at 3:15 P. M. . . . June Storey will be guest of Gene Autry on "Melody Ranch" over CBS next Sunday at 6:30 P. M.

Jerry Lawrence has been named captain of WOR's baseball team for the inter-station season which got under way Saturday. Lawrence, an announcer, will pitch and Bob Shayon, producer, will catch. The infield consists of Al Helfer, who covers the Dodgers with Red Barber, on first; Bill Hoffman, sound effects, second base; Walt Gustafson, engineer, on third, and Irv Ackman, who is Stan Lomax's assistant, at short. John McDonald, page, and Sam Morse and Bill Borner, engineers, make up the outfield.

RCA Assails Film Interests On Television

(Continued from page 1)

primarily for the purpose of 'protecting' their larger interest in the movie and theatre industry and not to develop the new art of television. Therefore, they desire the adoption of systems and methods that would make television inferior rather than superior to motion pictures."

The brief argues that RCA's present method of transmission, with 30 frames per second and 441-line definition, was the best developed thus far, but reiterated that RCA was prepared to build sets which would receive all signals. It was asserted, however, that such all-inclusive sets would result in poorer reception.

RCA warned that if it was compelled to move its transmitter off Channel 1 to Channel 2 to make way for frequency modulation it would have to go off the air for four months, and if it had to move to still higher frequencies it would be off the air for 18 months. FM is merely an improvement on radio service, it was said, while television provides an entirely new art to the public.

RCA stressed the need for full commercialization as opposed to the limited commercialization permitted by the commission's original order. Briefs filed by Radio Pictures, Inc., an affiliate of WQXR, a New York station, and Farnsworth Radio & Television Corporation all call attention to the need for full commercialization. All three briefs declare that promotional activities to stimulate set sales aided, rather than retarded, the growth of the new industry.

RCA in its brief contends that synchronization, polarization, and line and frame definition had been developed to a point where they were satisfactory for public use and that new inventions will be integrated into existing services when they are developed. No monopoly exists in television or television patents, RCA asserts.

During one week in March, after promotional activities were started, 500 sets were sold, according to RCA.

Dividends Declared On RCA Preferred

The board of directors of RCA on Friday declared quarterly dividends on the outstanding shares of \$3.50 cumulative convertible first preferred stock and "B" preferred stock.

On the first preferred the dividend is 87½ cents per share and on the "B" preferred \$1.25 per share. Both are for the period from April 1 to June 30, 1940, and will be paid July 1 to stockholders of record June 7.

Cut RCA Assessment

WASHINGTON, May 5.—An \$886,729 income tax deficiency assessment against RCA for 1929 taxes has been reduced to \$18,210 by approval of the Board of Tax Appeals of an agreement between the company and the Bureau of Internal Revenue. RCA contended that the bureau had failed to make allowances for obsolescence of inventories and unsalable merchandise.

Griffith Action Dismissal Is Asked by U.S.

(Continued from page 1)

ants with a bill of particulars in the action. The motion was granted by the court and the time was set back to May 1 from June 1. The new deadline passed and the Government failed to file its bill of particulars. Then, on Friday, the order to dismiss the case was presented to the court by the Government on the ground that it had defaulted in not serving its bill.

The order has been taken under advisement by the Federal District court here and early action on it is expected. As submitted by the Government, the order requires no hearing in court, so no public explanation of the maneuver, if such it is, may come to light by that means.

The anti-trust suit against the Griffith company and its associated firms and the major distributors was filed by the Government here on April 28, 1939. In the one-year interim little progress had been made toward bringing the suit to trial, so little, in fact, that it was estimated here another year would be required before both sides were prepared for trial.

At the time the suit was filed, the Department of Justice issued a statement in which the action was described as "an essential complement" to the Government's New York anti-trust suit which, among other objectives, seeks the separation of affiliated theatre operations from the production and distribution companies. The Government statement said the suit, like those against Schine and Crescent, was designed to break up large regional circuits, on the one hand, and to prevent the continuance as independent entities, on the other hand, of large affiliated circuits which would be cut adrift from producing and distributing companies in the event of a Government victory in the New York suit.

No Comment In Washington

WASHINGTON, May 5.—The Department of Justice yesterday refused comment on the application to dismiss the Griffith suit, explaining that a formal report has not been received as yet.

Educational Group Arranges Releases

Five regional centers have been established for the nationwide distribution of human relations films, a phase of visual education. The distribution points are at the office of the Progressive Education Association's Commission on Human Relations in New York, Atlanta University, Boston University, The College Film Center in Chicago and the University of California.

The films, prepared by a committee under a Rockefeller Foundation grant with M.P.P.D.A. cooperation, are excerpts of Hollywood features which have a bearing on youngsters, such as the man-to-man talks in the "Hardy" series. After showings in schools, students attend the theatre with a more intelligent attitude, according to Dr. Alice V. Keliher, director of the Human Relations Commission.

New York Review

"The Man With Nine Lives"

(Columbia)

This may be a bit too fantastic for many patrons, but it has all the elements of mystery and suspense, and plenty of dramatic feeling to make for good entertainment. Based on the recent experiments in the treatment of cancer by freezing the body, it goes a bit beyond the apparently practical, carrying the "successful" freezing to 10 years.

Boris Karloff has the lead, and offers his usual capable performance, supported by Roger Pryor and Jo Ann Sayers. Pryor, a physician engaged in research on the freezing treatment, takes Miss Sayers, his fiancée and a nurse, to a lonely island house, where Karloff, brilliant researcher into the technique, had disappeared 10 years before, with four other men.

In a subterranean freezing vault, they find Karloff frozen, restore him, and discover the four other men, who had attempted to interrupt his experiments. When one of them destroys his precious formula, he seeks to use them for subjects. One by one they die, and he knocks Pryor unconscious and takes Miss Sayers. The experiment is a success, but Karloff is killed in the rescue effort, and Pryor plans to carry on his work.

Nick Grinde directed from a story by Harold Shumate and a screenplay by Karl Brown.

Running time, 73 minutes. "G."*

CHARLES S. AARONSON

*"G" denotes general classification.

Mexican Exhibitors' Chief Problem Labor Demands

By JAMES LOCKHART

MEXICO CITY, May 5.—An example of wage problems that confront exhibitors in Mexico are the following daily wages demanded by employees of the Cine Eslava, leading film house of Vera Cruz, who have closed the house by a strike:

Two projectionists, each \$5 for week days and \$20 each for Sundays; theatre treasurer, \$1.66 and \$6.66 for Sunday service; two porters, each \$2.33, Sundays, \$9.33 each; two charwomen, \$2 each, \$8 each for Sunday, and a new employee, guardian of order to perform functions usually in charge of policemen stationed in theatres, 85 cents weekdays and \$3.33 Sundays.

These wages are declared exorbitant by exhibitors who point out that the average daily wage in Mexico is only about 60 cents. The exhibitors have appealed to the state and Federal labor authorities for relief.

Mexico's film houses are expected to be increased by about 150 by the end of this year as construction is continuing apace. Most of the new theatres are in the Middle West and Pacific Coast regions.

Construction of a 3,000-seat house is to be a feature of Mexico's biggest model home colony, under way here by the Federal Government and

the National Public Servants Union at a cost of \$3,333,000.

Annoyance by Mexican film men at remarks Jose Bohr, Argentine picture-stage-radio producer, actor and writer, made about the Mexican picture industry in a local magazine article, has developed into a boycott against him in Mexico. He is banned from all picture, stage and radio work in this country. He criticized the Mexican picture industry and its personnel.

Bohr is now on a tour of Central America and plans to go to South America.

A concession to establish here a film financing society, Financiera Industrial Cinematografica, S.A., has been granted Carlos Gonzalez Arias and Fernando J. Salcido, local capitalists, by the Ministry of Finance. The society is to undertake financing film producers, starting about the middle of May.

Production of the first film on Mexico's penal colony, the Tres Marias Islands, 100 miles off the Pacific Coast, is being arranged by Alfred Zeisler, former UFA director-producer. Alberto J. Pani, former Minister of Finance, is co-producer.

Court Grants RCA Plea

N. Y. Supreme Court Justice Aaron J. Levy on Friday granted the application of RCA Manufacturing Co. to interpose itself as a defendant in the suit of Elie E. Oberstein against Glenn Miller, orchestra leader. Oberstein is asking an injunction and accounting against Miller, who is under contract to RCA, contending that the defendant breached a contract to make 40 records for him. RCA asserts that Oberstein was employed by it when he signed Miller.

Gets BBC Program Post

MONTREAL, May 5.—S. J. de Lotbiniere, grandson of a former Lieutenant-Governor of British Columbia, has been appointed assistant controller of programs for the British Broadcasting Corp. De Lotbiniere is second in command to Controller of Programs Benjamin E. Nicolls.

Takes Reading House

PHILADELPHIA, May 5.—George Lessy, former local exhibitor, has taken over the Capitol in Reading, Pa.

Foreign Funds Remain Major Worry: Zanuck

(Continued from page 1)

greatly increased revenue from extended runs and better playing terms in the domestic market, but whether or not it will be sufficient to solve the problem remains to be seen.

Zanuck said 20th Century-Fox will concentrate on a larger number of big productions this year than ever before in the hope of commanding the better playing time desired. He pointed out that production costs cannot be reduced to any material extent because of long term commitments with talent and production principals. He said he knew of no plan of wide-scale voluntary salary reductions by executives, similar to that imposed by Sidney R. Kent, president, on himself recently.

"We are taking an awful beating abroad," Zanuck commented tersely.

Zanuck arrived with William Goetz, his executive assistant, and Sol M. Wurtzel, executive producer. They were met at the train by Kent and Spyros Skouras, head of national Theatres. Zanuck said they plan to be here four or five days for home office conferences on production and budgets in the light of the company's first quarter results, the figures on which, he said, will be presented to him in a few days.

Zanuck said he has not been summoned for examination in the Government's New York anti-trust suit but will put in an appearance if called while here.

He pointed out that the studio now owns three of the five first "best sellers" on the fiction list as a result of his acquisition while en route here of "Wild Geese Calling" by Stewart Edward White, for \$50,000. He had already acquired "Chad Hanna" for \$65,000 and said he paid a "much larger" sum than that for "How Green Is My Valley."

Zanuck denied reports that changes in the producers' roster are planned or that personnel will be reduced.

Museum Will Show Fairbanks Pictures

A memorial program consisting of films of the late Douglas Fairbanks, Sr., will be shown at Museum of Modern Art this week. Fairbanks had presented his entire private collection of the pictures to the Museum's Film Library before his death.

Divided into a series of eight programs, the schedule is as follows: today—reels from "The Lamb," "The Mollycoddle," "Say Young Fellow," "Knickerbocker Buckaroo," "A Modern Musketeer," "Don Q" and "The Taming of the Shrew"; Tuesday—"Manhattan Madness" and "Wild and Woolly"; Wednesday—"When the Clouds Roll By" and "The Nut"; Thursday—"The Mark of Zorro"; Friday—"The Three Musketeers"; Saturday—"The Thief of Bagdad"; Sunday—"The Black Pirate"; Monday—"Around the World in 80 Minutes."

Press Club Sees 'Lights'

The film "Lights Out in Europe" was shown last night at the National Press Club in Washington, following a screening at the White House.

Alert,

N. Y.



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VOL. 47. NO. 90

NEW YORK, U. S. A., TUESDAY, MAY 7, 1940

TEN CENTS

Television for Theatres on Film Screens

RCA Receiver Works on Projection Method

The large screen television receiver which RCA has designed exclusively for theatres operates on the projection principle and the pictures are thrown on an ordinary beaded motion picture screen.

It employs a reflector principle used commonly in astronomical telescopes, with the image magnified by an f:0.7 lens, which is four times faster than any projector lens. Either front or rear projection can be used, making it possible for the customary film show to be interrupted and a television program spotted between features.

The image is four and a half feet

(Continued on page 4)

Goldwyn-UA Fight Settlement Sought

An attempt to reconcile Samuel Goldwyn's differences with United Artists will be made at conferences between the producer and company representatives today, it is learned.

One proposal reportedly to be advanced involves a cash settlement with Goldwyn, terminating the litigation which he instituted against the company last year, and which is still pending, as well as settling the basic dispute over the company's producer-bonus plan. Goldwyn refused comment on his arrival yesterday.

U. S. Has No Word On Australia, Italy

Washington, May 6.—State and Commerce Department officials today said they were without new information on the situation in Italy or Australia, where American film companies are seeking agreements.

While latest reports indicated hope of success for a basis on which American companies would reenter Italy and an agreement for the withdrawal of funds from Australia, no word has been received as to the outcome. An agreement with Australia similar to that in England, it was said, would give the companies \$4,500,000 to \$5,000,000 a year on the basis of a 50 per cent withdrawal.

Defense May Seek To Oppose U. S. on Griffith Action

Attorneys for major company defendants may oppose the action of the Government for a dismissal of its anti-trust suit against the Griffith Amusement Co. and major companies in Federal District court at Oklahoma City, it was learned here yesterday.

No decision on the move has been made yet but there is a good likelihood that the defendants will act to obtain a hearing on the Government's unusual and still unexplained maneuver.

That it is a maneuver attorneys here have no doubt, since the dismissal move was pointedly deliberate and the stage for it was set a month ago when the Government moved to reduce the time that had been granted it to file a bill of particulars and a more definite complaint. After the shorter time had been granted it, the Government defaulted on the filing of the papers and then submitted an order directing the dismissal of the case because of the default.

Attorneys here believe that the

(Continued on page 7)

Attorneys to Meet On Phila. Records

Efforts will be made by the Government and attorneys for major defendants in the Government anti-trust suit to come to terms on the availability of licensing agreements and other records covering the Philadelphia distribution area for inspection by the Department of Justice, it was announced yesterday.

A conference will be held tomorrow

(Continued on page 4)

S-I Now Owns 16% Technicolor Stock

Selznick-International has exercised a final option on 35,000 shares of Technicolor, Inc., stock, it was learned yesterday.

The acquisition of the additional shares increases the Selznick company's holdings to 16 per cent of the Technicolor shares outstanding and completes the full option rights made available to Selznick-International, together with other producer customers, some time ago.

Neely Hearing Pleas Swamp Committees

WASHINGTON, May 6.—Both House and Senate committees are being swamped with requests for time to testify at the hearings next week on the Neely block booking bill and the Neely affiliated theatre divorce bill.

At the Senate committee, where hearings on the theatre divorce measure are scheduled for May 16, it was said that adequate time to present their cases will be allotted to the film companies but that no decision has

(Continued on page 4)

Korda to Deliver 4 for UA Release

Alexander Korda will deliver four pictures for United Artists' new season release, he stated yesterday on his arrival from the Coast.

Korda came East with Samuel Goldwyn and Mrs. Goldwyn, Merle Oberon (Mrs. Alexander Korda), Norma

(Continued on page 4)

RKO Seeking Loan to Obtain Meehan Stock

No Decisive Action Due In Near Future

RKO has consulted the Equitable Life Assurance Society regarding a \$3,000,000 to \$4,000,000 loan to finance the purchase of M. J. Meehan's preferred stock holdings in Keith-Albee-Orpheum, it was learned yesterday.

Meehan's price is reported to be \$110 per share for the approximately 31,000 shares which he holds. This is equivalent to the call price of the stock but does not include past due dividends amounting to about \$21 per share.

Little progress on the financing negotiations has been made, however, and RKO is still studying several plans of internal financing for the stock purchase, which would eliminate the necessity of making a large outside loan, as reported exclusively in MOTION PICTURE DAILY of April 15.

The lack of progress in financing the stock purchase on the one hand, and the grave tax problems with which Meehan would be confronted on the other, make the possibility of any conclusive action in the near future very unlikely, it is learned.

It was emphasized, however, that

(Continued on page 4)

Industry Attacks

Scored by Griffis

LOS ANGELES, May 6.—Stanton Griffis, chairman of the Paramount executive committee, told local business men at a monthly Town Hall meeting here today that the film industry is a "great combination of art and business which finds itself today beset on every side by attacks of local, state and Federal agencies."

He mentioned the Neely bill and the

(Continued on page 7)

Loew's 28-Week Net Profit \$6,789,828, Gain \$420,981

Net profit of \$6,789,828 was reported by Loew's, Inc., yesterday for the 28 weeks ended March 14, 1940. Profit for the corresponding period a year ago was \$6,368,847, a gain of \$420,981.

The company's earnings before depreciation, taxes and reserves, but including its share of profits of affiliated companies, and after deduction of preferred dividends of subsidiaries for the 28-week period, amounted to \$11,101,356, as compared with \$10,516,538 for the corresponding 1939 period.

Due principally to conditions result-

ing from the European war, Loew's has revised its amortization of film costs, making the domestic market responsible for 70 per cent and the foreign for 30 per cent on all pictures released subsequent to Aug. 31, 1939. The previous allocations were 65 per cent to domestic and 35 per cent to foreign.

In addition, the company has accelerated the amortization rates on such pictures.

Earnings are equivalent to \$49.66 per share on the preferred and to \$3.79 on the common.

Government to Quiz Blumberg Thursday

Pre-trial examinations in the Government's anti-trust suit will continue this week with the questioning of Nate J. Blumberg, president of Universal, Thursday at 10 A.M. Charles C. Moskowitz, head of Loew's New York Theatres, is expected to take the stand Friday.

Miss Leigh, Olivier Dominate Broadway

Vivien Leigh and Laurence Olivier appear to be dominating the Broadway entertainment scene. The two open this week in "Romeo and Juliet" at the 51st St. Theatre; they will open shortly at the Rivoli in "21 Days Together"; Olivier is in "Rebecca," in the sixth Music Hall week, and Miss Leigh is in "Gone With the Wind," still at the Astor.

Saroyan, Steinbeck Win Pulitzer Prizes

"The Time of Your Life" William Saroyan play, and Robert Steinbeck's "The Grapes of Wrath," were awarded the annual Pulitzer Prizes yesterday.

The Saroyan play was voted the Drama Critics Award last Friday. It was the first time since the New York critics organized to present their own award five years ago that their choice coincided with that of the Pulitzer committee. The Pulitzer Prize carries a \$1,000 cash award.

Vineland Trust Suit Postponed to Friday

PHILADELPHIA, May 6.—The Morlandis Theatre anti-trust suit against Warner Theatres and the major distributors, scheduled to come up for final hearing tomorrow in the United States District Court here before Judge William H. Kirkpatrick again has been postponed, this time until Friday of this week. Sen. Harry Shapiro, plaintiff's attorney, is attending a special legislative session.

Purely Personal

MURRAY SILVERSTONE, chief executive of United Artists, is ill at home, following his return from the Coast yesterday.

IZZY RAPPAPORT, MARTIN MOSKOWITZ, LOU BRECHER, WILLIAM BRANDT, J. J. MILSTEIN, BEN WASHER, ARTHUR SILVERSTONE, CHARLES STERN, HARRY MANDEL, IRVING GOLD, IRVING BARRY, LES WHELAN, SOL SCHWARTZ lunching at Lindy's (51st St.) yesterday.

TONY WILLIAMS, Warner Theatres district manager in New Jersey, has announced his engagement to SUE MUTNICK, secretary to DON JACOBS, Warner Theatres New Jersey zone manager.

E. J. MANNIX and IRVING ASHER will leave for Europe by *Clipper* tomorrow if accommodations are available. Otherwise they will leave on Saturday's *Clipper*.

EDWARD A. GOLDEN, Monogram general sales manager, returns from San Francisco today after a one-month swing around the country.

S. BARRET McCORMICK, RKO advertising and publicity head, continued to the Coast from Louisville over the weekend for a studio visit.

Manager WILLIAM DAVIS of the Triangle, Pittsburgh, has gone to Washington, Pa., to recuperate from a nervous breakdown.

RUSSEL HOLMAN, Paramount Eastern production executive, returned yesterday from a two-week visit at the studio.

D. R. A. H. GIANNINI has delayed his departure for the Coast until late this week.

LEOPOLD FRIEDMAN, JOHN NOLAN, FRANK WALKER, FRED SCHWARTZ, CHARLES C. MOSKOWITZ, JOSEPH VOGEL, EDWARD SCHNITZER BEN KALMENSEN, ROY HAINES, CHARLES MOSES, LEON NETTER and Mr. and Mrs. JAMES J. WALKER at Dinty Moore's for lunch yesterday.

ARTHUR HOPKINS, ADOLPH ZUKOR, MAX A. COHEN, OWEN DAVIS, RUSSELL HOLMAN, ERNO RAPEE and TED O'SHEA at Nick's Hunting Room in the Astor for lunch yesterday.

LOU JOHNSON, supervisor of service departments at the M-G-M New York exchange, is recovering in the Manhattan Eye, Ear and Throat Hospital after an eye operation.

JOSEPH GOETZ, assistant division manager in charge of personnel for RKO in Cincinnati, celebrated a birthday late last week with a reception at his parents' home in Dayton.

ARCHIBALD SILVERMAN and EDWARD L. REED, of the Strand, Providence, have returned to their posts after several days in New York on business.

SID GLASER of the M-G-M advertising department, is the father of a seven-pound girl, born Saturday night at the Riverdale Hospital in Brooklyn.

MILTON JACOBS, M-G-M salesman in Columbus, O., has been dismissed from Grant Hospital there after an illness of several weeks.

GEORGES MEJAT, Movietone News cameraman, has been awarded the *Croix de Guerre* by the French Army, in which he is serving.

NORMAN RANDALL, assistant at the Paramount, New Haven, is the father of a six-pound girl, PATRICIA ANN, born at Grace Hospital.

HARRY GOETZ, SAM CITRON, JACK MILLS, BENNIE F. ZEIDMAN and BERT MAYER lunching at Bob Goldstein's Tavern yesterday.

ABE SCHNEIDER, RUBE JACKTER and ARTHUR MAYER among those lunching in Lindy's (adjacent to the Rivoli) yesterday.

MORT SPRING, ROBERT WEITMAN, ARTHUR LOEW, CHARLES SONIN and LEE SHUBERT lunching at Sardi's yesterday.

WALTER J. HUTCHINSON, foreign distribution chief for 20th Century-Fox, returned yesterday from Mexico City.

LLOYD WARD ROYALTY, M-G-M office manager in Oklahoma City, has a birthday today.

GENE AUTRY arrived in Philadelphia yesterday for a week's stay.

Max Margolis Dies

CINCINNATI, May 6. — Max I. Margolis, 39, manager of the Republic exchange here died late yesterday at Jewish Hospital of a heart ailment. His widow and one daughter survive.

Grosses Slump as Weather Improves

In the face of balmy weather over the weekend, Broadway grosses slumped all along the street. "Saturday's Children," with Guy Lombardo's orchestra on the stage, drew an estimated \$23,000 for Friday, Saturday and Sunday, while "Stardust," with a stage show at the Roxy, grossed an estimated \$19,000 for the same three days.

At the Paramount, "Buck Rides Again," with Gene Krupa's band and Connie Boswell on the stage, took an estimated \$20,000 for its second weekend, and should finish its second week tonight with an estimated \$46,000. It will be held over. At the Rialto, "French Without Tears" drew an estimated \$9,000, with "If I Had My Way" opening there Saturday. "Rebecca" with a stage show at the Music Hall drew an estimated \$51,000 for the first four days of the sixth week. "My Son, My Son!" opens there Thursday.

At the Rialto, "Saps at Sea" drew an estimated \$10,000 in 10 days, and was followed yesterday by a dual bill, "Bad Men in Carson City" and "Lights Out in Europe." At the Globe, "Man With Nine Lives" grossed an estimated \$3,800, with "Suicide Legion" following Saturday.

Jewish Appeal Sets Women's Committee

A women's auxiliary of the Motion Picture and Stage Division of the United Jewish Appeal has been formed with Mrs. Leo Spitz as chairman.

The new organization will hold a luncheon meeting at the Harmonie Club, 4 East 60th St., April 9, at which Sholem Asch and Eddie Cantor will be guests of honor. About 200 women prominent in the entertainment world will attend.

Serving on the committee of which Mrs. Spitz is chairman are: Mrs. Edwin L. Weisl, Mrs. Barney Balaban, Mrs. Henry Ginsberg, Mrs. Pandro Berman, Mrs. Nate J. Blumberg, Mrs. Jack Benny (Mary Livingstone), Mrs. Hal Horne, Mrs. Eddie Cantor, Mrs. Al Lichtman, Mrs. Eugene Zukor, Mrs. Ted Lewis, Mrs. Eugene Picker and Mrs. Marvin Schenck.

Metro Signs Two

HOLLYWOOD, May 6.—M-G-M has signed Judith Anderson and Ann Sothern to new long term contracts.

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"I SAW IT HAPPEN IN NORWAY"

*by Paramount's Ace
Cameraman, ARTHUR MENKEN*

(This is the actual transcript of Menken's commentary accompanying the FIRST NEWS REELS OF THE NORWEGIAN WAR, "Siege of Norway," flown to New York by Clipper and now on release by Paramount)

Once in Norway, I ran into successive sentry posts. These men were Norwegian regulars. They accepted my credentials on the spot—and that very fact showed how disorganized the Norwegian forces were. Not once was I escorted to any type of field headquarters. The Germans were pushing up from Oslo, refugees ahead of them.

Volunteer companies were lining up in all the villages. A kid lieutenant . . . maybe 22 . . . was trying to organize this outfit . . . militiamen who hadn't had time to reach mobilization points.

Another officer actually was trying to teach men how to use firearms . . . how to aim a rifle or pistol; at such a time, with organized crack Nazi troops marching at them, some were beginning to train . . . Women, too, were volunteering for nursing—trying to join the Lettas, the Norwegian girls' auxiliary corps.

The volunteer officers told me they were heading for the front. They expected then to help defend Elverum; I obtained permission to go along. We had omnibuses gathered from everywhere . . . but not too much gasoline . . . and not one bit of really accurate information. We went on . . . but we got there too late . . . by hours.

This was Elverum. *The men with me openly cried as they watched the scenes I made.* There was nothing now they could do. The Nazi bombers had come.

From what I saw, I think the Nazis must have a new type of fire-setting bomb, for I personally watched legs that had been frozen—and even water-logged timber—consumed by the flames from these bombs.

The people were stunned. They couldn't believe what had happened to them. Their city, their homes in ashes . . . they asked me why. "What is it about? What have we done to them?" Perhaps the Nazis explained next day when they occupied all the territory pictured here.

We went to a ridge overlooking the town . . . for there were Nazi planes all over the sky. Officers broke up the columns . . . ordered the boys into the woods . . . "Scatter! Take cover! Get out of sight!" *I filmed them as we ran . . . watch the faces!*

Machine guns against bombers! The bombers had gone . . . we thought. Within half an hour, the fire department had the blaze under control . . . but . . . back they came! Listen! No one tried any longer to put out the fires. Their homes were doomed. And they knew it. Just a little town, Rena . . . something like Milford, Pennsylvania . . . Ellsworth, Maine . . . When I pressed on back to Stockholm, where I knew I could get these pictures developed without censorship, there was nothing left of Rena.

The pictures I made of the Nazi bombers will, I believe, constitute absolute proof of a deliberate attack on an undefended open town. I saw it happen—and this is the record.

Camera veteran of the Spanish War, ARTHUR MENKEN, the Leland Stowe of the newsreel front, brings you another scoop, typical of the coverage Paramount News is giving you on the European Conflict, typical of the coverage Paramount News gives you on every vital news subject!

PARAMOUNT NEWS



The Eyes and Ears of the World



RKO Seeking Loan to Obtain Meehan Stock

(Continued from page 1)

this does not mean that the negotiations have been or will be dropped, even for the time being. The objective of consolidating K-A-O with RKO by means of the purchase of Meehan's holdings is as desirable now as ever, it was said. The current negotiations were initiated by Atlas Corp. about three years ago and were first reported exclusively by *MOTION PICTURE DAILY* on Nov. 22, 1937, as were all significant subsequent developments. At no time since their inception were the negotiations abandoned and later revived. The general purpose of effecting a consolidation of K-A-O with RKO has been and remains a continuing one.

The proceedings in conclusion of the RKO reorganization eclipsed the K-A-O negotiations for a time, but at the first opportunity thereafter they were resumed with the only difference being that the reorganized RKO company became a principal to the negotiations in the place of Atlas Corp.

Consolidation of K-A-O would make available to RKO about \$3,500,000 in cash held by the theatre company and its subsidiaries, exclusive of the earnings of those companies, which have averaged approximately \$1,000,000 annually in recent years.

Of the \$6,500,000 K-A-O preferred issue, RKO's holdings represent about \$2,500,000 and Meehan's about \$3,500,000.

Attorneys to Meet On Phila. Records

(Continued from page 1)

row at 2:30 P. M. for this purpose. Meanwhile, a Government motion for an inspection returnable today will be referred to Federal Judge Henry W. Goddard for argument on Thursday or Friday, it was stated.

Present plans call for a discussion to determine whether attorneys for both sides can eliminate records covering non-controversial questions and to also attempt to agree upon conversational records to be produced. Argument before Judge Goddard will be limited to questions which attorneys find cannot be settled during the conference, it was said.

Judge Goddard, at the same time, will hear argument on the application of 20th Century-Fox for an order dismissing the anti-trust suit against 19 company officials.

Arrival of Government attorneys from Washington to set up permanent headquarters in New York will be completed today. Offices, consisting of four rooms, have been assigned to the staff in Suite 1904 of the U. S. Court-house.

Mrs. Krupa Rites Held

LANCASTER, Pa., May 6.—Funeral services were held Saturday for Mrs. Elsie Johns Krupa, 61, who was associated with her husband, George M. Krupa, in theatre operation in this city until 1926. They operated the Hippodrome, later the Capitol and then the Hamilton.

Hollywood Reviews

"I Can't Give You Anything But Love, Baby"

(Universal)

HOLLYWOOD, May 6.—This third feature in Universal's sequence of films named for yesteryear's song hits is a swift and unceremonious comedy about gangsters and the popular song industry, a rapidly unwrapped series of incidents rigged for comedy purposes and interspersed with songs similarly contrived. It is livelier than most comedies in the same general vein and it gave a Hollywood preview audience an hour of laughs.

Broderick Crawford runs away with the picture as a sentimental gangster whose mother is intent upon his moving up from third to first position in the public enemy listing. Johnny Downs is characteristically engaged as the young song writer whose musical talent is pressed into service by Broderick, for purposes of locating a childhood sweetheart through popularization of a song he has written, and whose life and interests the gangster takes charge of benevolently but forcefully. Peggy Moran, Jessie Ralph, Warren Hymer, Gertrude Michael, John Sutton, Horace McMahon, Dewey Robinson, Murray Alper, Sunshine Sammy and Jeni LeGon are among the others in a large and active cast.

Although the title has nothing directly to do with the story, it may be said to be congenial, popularization of a sentimental tune being a major factor in the story. Produced by Ken Goldsmith and directed by Albert S. Rogell, the picture is easily best of the three offerings from oldtime song hit titles.

Running time, 61 minutes. "G."*

ROSCOE WILLIAMS

"Flight Angels"

(Warners)

HOLLYWOOD, May 6.—Warners' "Flight Angels" is a story of the lives, private and otherwise, of stewardesses on America's commercial airlines. Opening with the birth of a baby (for the first time on the screen aboard an airplane) which tends to show the multifold duties of the stewardesses, the picture devotes itself further, after the parents and child disappear into a waiting ambulance at the airport, to the fight of a hostess to win and to hold a pilot grounded because of failing eyesight.

Virginia Bruce, recently shifted from an M-G-M to a Warner term contract, and Dennis Morgan, whose last picture was "Three Cheers for the Irish," head the cast, which consists of Wayne Morris, Ralph Bellamy, Jane Wyman, John Littel, Dorothea Kent and others. Miss Wyman, who has been under a Warner contract for about three years, blossoms forth as a most capable comedienne.

"Flight Angels" is Edmund Grainger's first Warner production. The picture was directed by Lewis Seiler from a screen play by Maurice Leo, who adapted an original story by Jerry Wald and Richard Macaulay.

Running time, 75 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Late Coast Flashes

HOLLYWOOD, May 6.—Ed Kuykendall, M.P.T.O.A. president, has arrived here to address the first annual convention of the Pacific Coast Conference of Independent Theatre Owners, which starts Wednesday.

George J. Schaefer, president of RKO, and Ned E. Depinet, vice-president and distribution head, will leave Friday by plane for New York.

RKO today signed Leon Errol to a contract calling for his appearance in six features and six two-reel comedies.

Twentieth Century-Fox today replaced Andrea Leeds with Gene Tierney in the lead of "The Return of Frank James."

Gehring's Division First

Central division of 20th Century-Fox, headed by W. C. Gehring, placed first in the division managers' drive which lasted 12 weeks.

Neely Hearing Pleas Swamp Committees

(Continued from page 1)

been reached as to the division of time among other parties.

The House Interstate Commerce Committee, which is scheduled to begin hearings next Monday on the block booking bill, already is foreseeing interminable hearings if all applications for time are granted. It is now seeking to have representatives from various groups and areas get together and agree upon a single spokesman.

A large file of applications has been built up, in which every section of the country is represented. Officials of neither committee would hazard a guess as to how many applications have been filed.

Harry Brandt, New York circuit head, and a number of film executives are scheduled to arrive here Monday to testify and will remain here during the period of the hearings.

Television for Theatres on Film Screens

(Continued from page 1)

by six feet on the first projector which has been developed but a new receiver with an image of nine-by-11 feet will be ready by early 1942. RCA expects to be prepared to manufacture such an order within six months to a year.

The 4½x6 apparatus consists of three units. One contains the kinescope, another houses the high voltage power supply and the third contains the electrical circuits, amplifier, and controls. The three units are mounted on a single mobile platform which measures six feet long, five and a half feet high and two feet wide. The kinescope use 56,000 volts as compared with the 6-7,000 volts used on a home receiver.

The kinescope, which faces in the opposite direction from the screen, receives an image 2.4 inches by 3.2 inches. This is projected on a concave mirror 16 inches in diameter, which collects the light and magnifies it 22½ times. The image is then projected through the f:0.7 lens, and is received on the screen after a 20-foot throw.

Korda to Deliver 4 for UA Release

(Continued from page 1)

Shearer and William Paley, CBS president, in a chartered American Airlines plane. Goldwyn stated that he would confer while here on sales plans for "The Westerner" and that he would attend the United Artists sales convention which opens here next Monday.

Of Korda's four new season productions, two will be made at the United Artists studio by his recently formed American company, Alexander Korda Films, Inc., and two will be made in England. He plans to leave for Europe by *Clipper* tomorrow or Saturday, depending upon the availability of accommodations, and will return here in about five weeks. He said that while he has casts available both in Hollywood and England he has made no decisions yet on stories for his new season productions.

Miss Oberon will remain in New York for a brief vacation and then return to the Coast. Miss Shearer will be here for a short time for medical consultation.

Asks 'Ecstasy' Appeal

Eureka Productions yesterday filed a proceeding in the N. Y. Supreme Court for a mandamus to compel the New York State censor to examine the film, "Ecstasy" for the issuance of a license. Eureka claims to have "radically" altered the film by deletions.

Sax and Orsatti Here

Sam Sax and Frank Orsatti arrived here yesterday to supervise demonstrations of Phonovision, new coin film machine. The demonstrations are scheduled to start tomorrow.



Well Joe!

I'VE PUT IN THAT PAIR OF
"ONE KILOWATT" ARCS

● Believe me, they are the real thing. These low wattage High Intensity arcs mean a lot to the small theatre.

You ought to see the difference in my screen light — I wouldn't have believed it possible.

Do my patrons notice it? You bet they do! I defy anyone to put on a better show either in color or black and white.

And you'd be surprised, Joe, how little it costs to install and operate these new arcs. It's the best investment I've made in a long time.

You'd better get on the band wagon!

THE NEW "ONE KILOWATT"
ARCS USE "NATIONAL"
"SUPREX" AND "OROTIP"
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HIGH INTENSITY CARBON ARC LAMPS

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Valentino Fans Hold Mass in His Memory

Rudolph Valentino died in 1926, and every year since then the Rudolph Valentino Memorial Society has celebrated an annual mass on his birthday. Yesterday morning the memorial mass was celebrated at St. Malachy's Church, known as the Actors' Church, on West 49th St., with Father Bell officiating. About 300 mourners then went to the Miami Playhouse where they saw "Son of the Sheik," a Valentino film.

Philadelphia Strike Parleys Unavailing

PHILADELPHIA, May 6.—Thomas J. Williams, Federal labor mediator, on returning to this city Saturday, said he is still optimistic arbitration can be reached in the music strike against Warner theatres here, now in its sixth month. Williams said that he will confer again with Frank Phelps, Warner industrial relations director, in New York, and still hopes to get both factions around the council table. It is understood that while the musicians are agreeable to dropping their demands for an orchestra at the downtown Fox, they still insist upon music at six neighborhood houses while Warners contend that they have need for an orchestra at only two neighborhood theatres.

Hollywood Reviews

"Charlie Chan's Murder Cruise"

(20th Century-Fox)

HOLLYWOOD, May 6.—This is tip-top Chan stuff, complex as to plot, intricate as to deduction, counterpointed with humor and as full of murders as a police reporter's dream life. The killing has been going on for some while before the picture opens in Honolulu, where it starts anew and promptly, continuing steadily thereafter on shipboard and until put to a stop by the gifted Chinese detective's exposure of the murderer in San Francisco. The screen-play by Robertson White and Lester Ziffren keeps the lines tangled and the audience completely mystified until the ending, which makes it all satisfyingly logical.

Associated with Signey Toler in this adventure are Marjorie Weaver, Lionel Atwill, Sen Yung, Robert Lowery, Don Bedloe, Leo Carroll, Cora Witherspoon, Kay Linaker and Harlan Briggs, to name a few of many. Direction by Eugene Forde is productive of maximum results and associate producer John Stone has reason to be proud of the reaction the picture elicited from a Hollywood preview audience.

Running time, 77 minutes. "G."*

ROSCOE WILLIAMS

"Opened by Mistake"

(Paramount)

HOLLYWOOD, May 6.—Charlie Ruggles, Robert Paige and Janice Logan appear as the principals in this story of newspaper reporters and their solution of crimes involving a murdered body and the whereabouts of \$1,000,000 left by an absconding bank president.

William Frawley is seen as the newspaper publisher, Lawrence Grossmith as the murderer. While the mystery and its solution form the principal plot structure of the Stuart Palmer, Garnet Weston and Louis S. Kaye screenplay, based on a story by Hal Hudson and Kenneth Earl, comedy also figures largely in the story.

Stuart Walker was associate producer, and George Archainbaud directed.

Running time, 68 minutes. "G."*

W. S.

*"G" denotes general classification.

Submit Canadian Reform Proposal

TORONTO, May 6.—Following conference of the Clearance Reform Committee, consisting of M. A. Milligan, general manager of Paramount Film Service; Louis Rosenfeld, Canadian general manager of Columbia and N. A. Taylor, vice-president of the Independent Theatres Association, a reorganization program covering various problems in the Canadian film business has been submitted to the Film Section of the Toronto Board of Trade for ratification.

Terms of the proposals have not been announced but it is understood that the suggested setup includes a clearance control board in each of the six film exchange cities in Canada to deal with local conditions, and a national tribunal which will draft the protection regulations and clearance schedules for urban zones, and pass upon the decisions of the local boards, particularly any appeals from rulings.

The Film Section of the Board of Trade, comprises representatives of all branches, including the exchanges, circuits, independent exhibitors, producers and laboratories. Conciliation committees are already operating in Ontario and Nova Scotia while the Canadian Film Board of Trade has branches in the six key centers for arbitration purposes, but the independents have demanded the formation of a body to regulate clearance and priority rights.

Roach's \$6,000,000

Budget Underwritten

LOS ANGELES, May 6.—A new \$6,000,000 production budget for Hal Roach will be underwritten by the Security First National Bank of Los Angeles and Bankers Trust Co., New York, Hugh Huber, vice-president in charge of production for Roach, announced over the weekend.

Roach will make six pictures for United Artists release during the new season, including "Road Show," "Broadway Limited," "Niagara Falls," "Topper Returns," "Unholy Horde" and "Fiesta."

Security First National has been Roach's bank affiliation the past four years.

Hal Roach arrived in New York by plane yesterday from Louisville and the Coast. He plans to be here about a week conferring on future plans and will attend a preview of "Turnabout," his latest production, in New Rochelle tonight.

Colman to Star in 5 for United-RKO

HOLLYWOOD, May 6.—Ronald Colman has been signed as the star of five of the first 10 pictures planned by United Producers Corp., to be released by RKO. William B. Hawks, former agent, is president and executive producer of the new company.

Hawks and George J. Schaefer, president of RKO, closed the releasing deal, which provides that the 10 films shall be released by RKO over a three-year period. Colman is currently working at RKO in "Lucky Partners," co-starring with Ginger Rogers.

AMPA

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New York members of the*

NATIONAL FILM RADIO COMMENTATORS' CIRCLE

who will tell us how picture producers and distributors can take better advantage of their programs. The speakers will be:

DAVID LOWE (President) . . . WNEW
STELLA UNGER WEOF
RADIE HARRIS WOR
SAM TAYLOR WHN
JACK MITCHELL WBNX

At JACK DEMPSEY'S—8th Avenue & 50th Street

Thursday, May 9

*Service Starts
At 12:45 Sharp*

*Members \$1.00
Non-Members \$1.25*

Loew Reopens Fair Booth on Broadway

The Loew-M-G-M World's Fair information booth in Times Square was reopened at formal ceremonies yesterday. Lucy Monroe, Metropolitan Opera star, sang "America," to open the program. Speakers included John Reed Kilpatrick, president of Madison Square Garden; Fred Bright, managing director of the Broadway Association, and Helen King of the Fair. George Hamilton Combs, WHN news commentator, was master of ceremonies.

First registrant at the Booth yesterday was Phil Bloomberg, president of the Naumkeag Amusement Co., Salem, Mass.

Continuation this year of the World's Fair bureaus of Paramount, Warners and RKO has not yet been definitely set.

11 of 13 New Pictures Approved by Legion

Eleven of 13 new pictures were approved by the National Legion of Decency for the current week, five for general patronage and six for adults. Two were found objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"An Angel From Texas," "If I Had My Way," "Pals of the Silver Sage," "Saps at Sea," "Suicide Legion." Class A-2, Unobjectionable for Adults—"The Doctor Takes a Wife," "In Old Missouri," "I Was an Adventuress," "Mayor's Dilemma," "Saturday's Children," "20 Mule Team." Class B, Objectionable in Part—"The Man With Nine Lives," "My Favorite Wife."

Buck Benny' Is Chicago Hit With \$46,200

CHICAGO, May 6.—"Buck Benny Rides Again" rode into the Loop last week and with the aid of Red Skelton, the Andrews Sisters and Hattie McDaniels on the stage, did an excellent job. "Castle On the Hudson" at the State-Lake drew \$17,600 with Arturo Godoy, Stanley Fields and the Snickelfritz Band helping. The weather was unsettled most of the week.

Estimated takings for the week ending May 1-4:

Johnny Apollo (20th-Fox)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$5,700. (Average, \$6,000)
Buck Benny Rides Again (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Red Skelton, Hattie McDaniels, Andrews Sisters and Revue. Gross: \$46,200. (Average, \$32,000)
Virginia City (W. B.)
GARRICK—(1,000) (35c-55c-75c) 7 days. 2nd week. Gross: \$4,000. (Average, \$5,000)
Gone With the Wind (M-G-M)
ORIENTAL—(3,200) (75c-1.10-1.50) 14th week. 3 shows daily. Gross: \$20,000. (Average, \$13,000)
Abe Lincoln in Illinois (RKO)
Saint's Double Trouble (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Gross: \$9,300. (Average, \$12,000)
House Across the Bay (U. A.)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: \$9,800. (Average, \$11,000)
Castle on the Hudson (W. B.)
STATE-LAKE — (2,700) (25c-35c-50c) 7 days. Stage: Arturo Godoy, Stanley Fields and Revue. Gross: \$17,600. (Average, \$15,000)
Rebecca (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 4th week. Gross: \$9,600. (Average, \$14,000)
Gone With the Wind (M-G-M)
WOODS—(1,100) (\$1.10-1.50) 7 days, 14th week. 2 shows daily. Gross: \$8,500.

'Girls,' Lombardo \$19,000, Pittsburgh

PITTSBURGH, May 6.—"Two Girls on Broadway" with \$19,000 in the Stanley, abetted by Guy Lombardo's band, led here in a mediocre week. All others were below average.

Estimated takings for the week ending May 2:

The Doctor Takes a Wife (Col.)
ALVIN — (1,800) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$7,000)
Johnny Apollo (20th-Fox)
FULTON—(1,700) (25c-40c) 8 days, 2nd week. Gross: \$4,200. (Average, \$5,000)
Till We Meet Again (W. B.)
LOEW'S PENN—(3,400) (25c-35c-50c) 7 days. Gross: \$10,000. (Average, \$13,000)
My Son, My Son (U. A.)
RITZ—(800) (25c-35c-50c) 7 days, 2nd week. Gross: \$3,200. (Average, \$4,000)
Hi-Lo Silver (Rep.)
Double Alibi (Univ.)
Ma! He's Making Eyes at Me (Univ.)
City of Chance (20th-Fox)
SENATOR—(1,700) (25c-40c) Split week. Gross: \$1,800. (Average, \$3,000)
Two Girls on Broadway (M-G-M)
STANLEY — (3,700) (25c-40c-60c). On stage: Guy Lombardo's orchestra. Vic Hyde, Betty Keane, 7 days. Gross: \$19,000. (Average, \$17,000)
Dr. Kildare's Strange Case (M-G-M)
The Farmer's Daughter (Para.)
WARNER—(2,000) (25c-40c) 7 days. Gross: \$4,500. (Average, \$5,000)

Name Kramer as Aide

HOLLYWOOD, May 6. — Stanley Kramer, assistant to David L. Loew and Albert Lewin for the past year, has been named their production assistant. He will handle story and casting departments on "Flotsam," as his first assignment. The film will be released by United Artists.

Hollywood Review

"Ski Patrol"

(Universal)

HOLLYWOOD, May 6.—"Ski Patrol" is the story of a small segment of the battle between Finland and Russia and tells in detail of the bravery of a small group of Finns holding their outpost against a superior force of the enemy. Daring ski rides and newsreel shots of the winter sports contests of the Olympic Games of 1936 are used to set the stage for the introduction of the characters.

A Russian, a Finn and an American finish one, two and three in the ski competition, the former winning because of the gallantry of the second who aids him when he goes over a dangerous precipice. The scene shifts to the Russo-Finnish war and the Russian is an officer of troops attempting to take a point held by Finns, led by his sick opponent. Their friendship directly leads to the failure of the Russian plot to blow up the Finns' fort.

Philip Dorn, Dutch actor in his American debut, Luli Deste, Stanley Fields, Samuel S. Hinds, Edward Norris, John Qualen, Hardie Albright, John Arledge, John Ellis, Kathryn Adams, Henry Brandon, Abner Biberman are included in the cast.

Low Landers directed this Ben Pivar production from an original screenplay by Paul Huston.

Running time, 64 minutes. "G."*

VANCE KING

*"G" denotes general classification.

May Oppose U. S. On Griffith Suit

(Continued from page 1)

Government either intends to file a new complaint in another Western jurisdiction against the same defendants, or else is moving circuitously to obtain an appeal from the order directing it to file a more detailed bill in the Oklahoma City case.

The Government's action recalls a similar development in the Government's St. Louis equity action of several years ago. The Government lost its criminal case against the major companies and then brought an equity action. After trial of the second action had gotten under way, the Government obtained a surprise dismissal of the case and later filed another suit against the same defendants in Federal District court here.

The Federal case might be moved to any one of several Western jurisdictions in which Griffith operates, but could not be transferred to New York.

Industry Attacks Scored by Griffis

(Continued from page 1)

Government "key" anti-trust suit specifically, pointing out that these attacks come at a time of unprecedented collapse of foreign income.

Quoting statistics to show the status of the industry as an employer and taxpayer, Griffis said: "This is an industry that consistently sticks to its knitting of furnishing amusement, laughter and escape and spends its energy in making the world a happier place to live in."

Declaring that "we have come a long way from flying pies, Keystone Cops" and the like, Griffis said "today the trend of picture making is toward the creation of a certain domestic self-containment." The industry is best able to solve its own problems, he said.

'Tom Edison' Boston's High With \$41,000

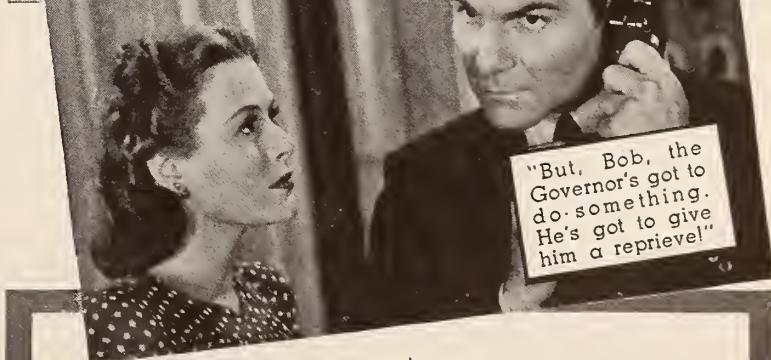
BOSTON, May 6.—"Young Tom Edison" grossed a fine \$24,000 at Loew's Orpheum and \$17,000 at Loew's State. The Metropolitan grossed \$18,000 with "My Son, My Son," and "On Their Own."

Estimated takings for the week ending May 1:

Torpedo Raider (Mono.)
Showdown (Para.)
Laughing at Life (Mascot)
Framed (Univ.)
KEITH BOSTON—(3,200) (25c-35c-40c-55c). Gross: \$7,500. (Average, \$8,000)
It's a Date (Univ.)
Viva Cisco Kid (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 3rd week. Gross: \$12,500. (Average, \$16,000)
My Son, My Son (U. A.)
On Their Own (20th-Fox)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$18,000. (Average, \$15,500)
Grapes of Wrath (20th-Fox)
The Farmer's Daughter (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$8,000. (Average, \$7,500)
Grapes of Wrath (20th-Fox)
The Farmer's Daughter (Para.)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: \$5,500. (Average, \$4,500)
Virginia City (W. B.)
Calling Philo Vance (W. B.)
SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: \$4,800. (Average, \$4,000)
Young Tom Edison (M-G-M)
Two Girls on Broadway (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$17,000. (Average, \$12,000)
Young Tom Edison (M-G-M)
Two Girls on Broadway (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$24,000. (Average, \$17,500)

Fund Committee Meets

B. S. Moss, chairman of the exhibition division of the Greater New York Fund's Motion Picture Section, and division committee members yesterday formulated plans for soliciting contributions. Comprising the committee are Harry Buxbaum and Joseph Lee of 20th Century-Fox; Robert Wolff, RKO, and Nat Beier, United Artists. The group met at Dinty Moore's.



with
EDMUND LOWE • IRENE HERVEY
HENRY WILCOXON • PAUL FIX
Directed by Phil Rosen
A REPUBLIC PICTURE

Senator Demands FCC Radio Report

Washington, May 6.—Charging that repeatedly over a period of 18 months F.C.C. officials have promised to submit their report on radio monopoly "within 60 days," Senator Charles W. Tobey of New Hampshire today demanded that the commission transmit its report to Congress immediately.

Tobey pointed out that in November, 1938, and in June and November, 1939, the commission promised the House Appropriations Committee the report would be forthcoming. He declared in letters to all F.C.C. members, "these assurances would seem to be nothing but a mockery."

FCC Reports Soon On Television Status

WASHINGTON, May 6.—A decision on commercialization of television will be forthcoming within two or three weeks, F.C.C. officials indicated here today. They refused to comment, however, on the attack made last week by RCA in its briefs against Paramount's interest in the Allen B. Dumont Laboratories.

However, there seemed to be an attitude that the motion picture discussion did not enter seriously into the controversy, particularly because RCA itself has an extensive film interest in RKO. It was said that the question would be settled on the basis of technical and engineering points rather than from the standpoint of inter-industry competition.

F. C. C. Names Taylor To Replace Dempsey

WASHINGTON, May 6.—Appointment of Telford Taylor as general counsel to succeed William J. Dempsey was announced today by the F.C.C.

Taylor goes to the commission from the Department of Justice, where he has been head of the Court of Claims section of the Claims Division. Prior to that he was senior attorney of the Agricultural Adjustment Administration and for four years thereafter was associate counsel of the Senate Interstate Commerce sub-committee investigating railroads and railroad finance.

RKO Asks Dismissal Of Caron Corp. Suit

RKO yesterday asked N. Y. Supreme Court Justice Bernard Shientag to dismiss the suit for an injunction and damages brought against it by Caron Corp., perfume manufacturer. Justice Shientag reserved decision on this application and an alternative one for a jury trial of the suit. Caron claims that the film, "Primrose Path," disparaged its product. Caron recently lost a plea for a temporary writ.

Quits Coast Theatre

LOS BANOS, Cal., May 6. — Don Logan, assistant manager of the El Rey Theatre, has resigned to join the promotion staff of KROW, Oakland.

Off the Antenna

TWELVE national network shows will exploit 20th Century-Fox's "Lillian Russell" and additional tieups are under way. NBC, CBS and Mutual will carry the programs.

Tomorrow evening, Fred Waring will feature over NBC the 50th anniversary of Miss Russell's singing a song over a telephone. On Friday, "Waltz Time" will dramatize several of Miss Russell's songs over NBC. On Saturday, "Gay Nineties Revue" will have Weber & Fields as guests over CBS with more Russell tunes. The outstanding feature will be a Kate Smith broadcast over CBS on May 17, and there will be coverage by separate networks on the dual premiere at Pittsburgh and Clinton, Ia., on May 15. Other tieups include "American Album," May 12, NBC; "We, the People," May 14, CBS; Kay Kyser, May 15, NBC; "Model Minstrel," May 20, CBS; and "Homespun Music," May 20, Mutual.

Personalities: Dennis James and Rod Mitchell have been added to the WNEW announcing staff. . . . Mouroe Upton, writer for the Al Pearce series and Magdalena Madragon, Mexican newspaper woman, have been married. . . . Anton Leader has been named director of production, and Raymond G. Sweeney, in charge of continuity, at WMCA. . . . Kay Kyser's "College of Musical Knowledge" will originate from Hollywood beginning May 15. . . . Jimmy Scribner, impersonator, writer, producer and sound-effects man on "Johnson Family" over Mutual takes his first vacation in five years this Friday.

With the Stations: Renewals accounted for 79 per cent of WOR's business during 1939, an increase of two per cent since 1938 and an increase of 22 per cent since 1935. Two sponsors have used WOR for 14 years, eight others for 12, one for 11, three for eight, seven for seven, six for six and 25 for five years. . . .

NBC will entertain a party of Congressmen with their wives and children on May 23. A special one-hour broadcast and television program is planned in honor of the 300 guests.

Park Cities Broadcasting Corp. of Dallas has filed an application for a construction permit with the F.C.C. for a 500-watt station to operate on 940 k.c.

A special program of sound effects not possible over amplitude modulation stations is planned by W2XMN, Edwin H. Armstrong's FM station. The program is for the benefit of a meeting of radio retailers in Brooklyn. . . .

WKBB, Dubuque, Iowa, will join NBC as a supplementary station to the NBC-Blue web tomorrow, to become the 187th affiliate. The station is operated by Sanders Bros. on 1,500 k.c. with 250 watts, full time. Basic rate is \$80 per evening hour. . . .

To prevent cessation of broadcasting in the event of power failure, WOR will alter its antenna at Carteret, N. J., shortly. Instead of using one feedline for power, two feedlines will be used. In the event one fails, the signal will not stop, although it will go out with decreased strength.

Programs: Knox Gelatine will sponsor "Friendship Circle" over WEAF, Mondays through Fridays at 12 noon, beginning next Monday. . . . "Grand Central Station" over CBS will switch from 10 P. M. to 9:30 P. M., starting May 31. . . . Gillette Safety Razor Co. will sponsor Elmer Davis in a five-minute news period over 89 CBS stations at 8:55 P. M. on Fridays and Sundays. He is on with a sustaining program during the rest of the week. . . .

"Toby's Cornstussel News," a new comedy series, started yesterday over WHN. It will be heard Mondays through Fridays at 9:30 P. M. . . . Greenwich Savings Bank has renewed its contract for another year's participation sponsorship on the "Uncle Don" program. The bank has been one of the program's sponsors for nine consecutive years. . . .

WNEW will launch its "Cradle of Fame" series, in conjunction with Pic, on Saturday at 11 P. M. with Bea Wain, Barry Wood, Dinah Shore, Joan Edwards, Nan Wynn, and Arthur Kent. All the performers, now well-known on network shows, had their start on WNEW.

Plan New Antenna

SAN FRANCISCO, May 6.—Immediate construction of a \$150,000 RCA vertical antenna for KGMB, Honolulu, plus extensive remodeling of studios, was announced here by Wesley Edwards, general manager of Honolulu Broadcasting System, Ltd., which also operates KHBC, Hilo.

Heads AGVA Branch

PHILADELPHIA, May 6.—Thomas Kelly, returning from Pittsburgh this week to resume his duties as executive secretary of the local A.G.V.A. branch, notified the membership that after May 11 they will not be permitted to work with any performers not holding A.G.V.A. cards.

High Court to Study 2 F.C.C. Decisions

WASHINGTON, May 6.—The U. S. Supreme Court today consented to review decisions of the District of Columbia Court of Appeals holding that the F.C.C. erred in refusing to approve the assignment of Stations KSFO, San Francisco, from Associated Broadcasters to the Columbia Broadcasting System of California.

Following the rejection of application the two companies filed separate suits for review and the lower court held, over the opposition of the commission, that the case was of a type reviewable by the courts. The commission appealed on the ground that the lower court was without jurisdiction.

Since the Supreme Court will hear but one more case this term, the F.C.C. decisions will not be argued until next October or November.

Drop 22 from Staff Of Frisco Stations

SAN FRANCISCO, May 6. — In a surprise economy move NBC Manager Al Nelson has dropped 22 from the KPO-KGO staff, including such western radio personalities as Edna Fischer, Kathryn Juley, Kattie Thompson, Bill Holmes, Arthur Schwarzman and Marie Elbs. All received six weeks' dismissal pay. At the same time KPO newscaster Robert Andersen resigned to join the CBS-KSFO staff in the same capacity.

Five Commentators At Ampa Thursday

Four radio film commentators will be guest speakers at the Ampa luncheon meeting at Jack Dempsey's on Thursday in addition to David Lowe, president of the National Radio Film Commentators Circle.

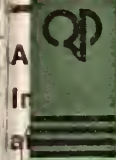
The four are Stella Unger, WEAF; Radie Harris, WOR; Sam Taylor, WHN, and Jack Mitchell, WBNX. A question period will follow their talks. The luncheon starts at 12:45 P. M.

Wisconsin Station Opens

ASHLAND, Wis., May 6.—The Upper Michigan-Wisconsin Broadcasting Co., Inc., operator of station WJMS, Ironwood, Mich., has opened its new station, WATW here. Staff includes N. C. Ruddell, general manager; Jack Hubbard, local manager; Mrs. Ruth Wright, program director; Warren Hites and Claude Pray, announcers; R. L. Johnson, chief engineer; John Pedri in charge of transmitting, assisted by Neal Lockwood, and Ralph Kobernat of the production staff.

Sues on 'Information'

Dan Golenpaul Associates, owners of "Information Please," filed suit in N. Y. Supreme Court yesterday against M. Lowenstein & Sons, Inc., and Alco Mills, Inc., to restrain use of the name, "Information Please," as the trademark for cotton fabrics. Suit, which also asks an accounting and \$20,000 damages, claims that the defendants are unfairly taking advantage of the popularity of the radio program.



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OL. 47. NO. 91

NEW YORK, U.S.A., WEDNESDAY, MAY 8, 1940

TEN CENTS

Goldwyn Sees Block Booking End As Boon

*But Calls Neely Measure
"Unbelievably Bad"*

The elimination of block booking would be a boon to the industry, Samuel Goldwyn stated during a press interview at his New York hotel yesterday.

Suiting action to his words, Goldwyn said that his new production, "The Westerner," will be shown to every exhibitor who wants to see it before buying. The producer added that there is no exhibition contract for the picture in existence now.

Goldwyn emphasized that his opposition to block booking did not in any way include an indorsement of the Neely anti-block booking bill, some parts of which, Goldwyn said, "are unbelievably bad."

The producer explained that he was merely airing his opinion of what is

(Continued on page 3)

Flexibility Keynote of 'U' Convention

Flexibility will be the keynote of the Universal sales convention, which opens at Atlantic City on Saturday. The three-day meeting will be followed by another regional session in Chicago May 18-20.

William A. Scully, general sales manager, who will preside at both sessions, declared yesterday that the flexible policy has served the company well during the current year. The new season's product lineup will reflect that contention, Scully indicated, with timeliness, action and youth stressed in the lineup.

There will be no rigid budget on the new season product, the sales executive declared. Each picture will be

(Continued on page 3)

SAG Neely Hearing Spokesmen Named

HOLLYWOOD, May 7.—The Screen Actors Guild has designated Jean Hersholt, Edward Arnold and Walter Abel as spokesmen for the organization at the hearings on the Neely blocking bill before the House Interstate Commerce committee in Washington next week.

The Screen Writers and Directors Guilds will designate their representa-

(Continued on page 3)

Gold and Schlaifer To Retain UA Posts

Harry Gold and L. J. Schlaifer will continue in their respective posts as vice-president and Eastern general sales manager and vice-president and Western general sales manager of United Artists, respectively.

This was disclosed yesterday by Maurice Silverstone, chief executive of the company, at a special press conference at his home, where he is confined by illness. Silverstone said that both executives are giving the maximum in satisfaction to the company and all of its owners and producers.

Philadelphia Data To Open U.S. Trial

Present Government plans call for the presentation of evidence treating of the exhibition and distribution situation centering about Philadelphia, New York, Boston and Chicago, in that order, at the outset of the anti-trust suit trial, it was reliably learned yesterday.

At the same time it was indicated that U. S. Attorney General Robert Jackson and Assistant Attorney General Thurman W. Arnold would join in opening arguments made to Trial Judge Henry W. Goddard. Special Assistant Attorney General Paul Williams also is expected to present part of the opening of the trial, it was said.

Distribution in Philadelphia and

(Continued on page 6)

Greenthal to Head U.A. 'Pre-Selling' Bureau Nationally

Monroe Greenthal yesterday was named advertising and exploitation manager of the new United Artists' "pre-selling" bureau to be set up by the company on a national basis.



M. Greenthal

Greenthal will continue to act as exploitation manager of United Artists at the home office but will devote a large part of his time to contact work with the company's Hollywood producers and the new national field organization. The assignment will necessitate frequent trips to Hollywood and into the field.

In announcing the appointment of Greenthal, Maurice Silverstone, United Artists' chief executive, emphasized that the new bureau is being counted upon heavily by the company to develop increased returns for its better pictures in the domestic market. Silverstone said the company's study of outstanding exploitation work on recent pictures of outstanding quality convinced it that box-office values of worthwhile productions can be augmented by millions of dollars through successful pre-selling campaigns.

Greenthal in his new post will maintain an intimate association with all

(Continued on page 6)

Appeal Aim of U.S. Oklahoma Dismissal Plea

*Seeks Showdown on Bill
Of Particulars*

WASHINGTON, May 7.—The Government's motion for dismissal of the Griffith anti-trust suit in Oklahoma City last Friday was disclosed today by officials of the Department of Justice to be a tactical maneuver designed to get a showdown on the question of a demand for a bill of particulars previously filed by the defendants.

The motion was filed as part of an attack to prevent the stalling of the case such as has been experienced in the New York suit, it was said.

It was explained that the defendants had made a motion for a bill of particulars which Government counsel felt entirely too broad, and with which they felt they could not comply. In the event such a motion is not complied with, there are only two courses

(Continued on page 3)

Warners Schedule 2 Sales Meetings

Warners will hold two regional sales meetings, in Pittsburgh, June 10-12 at the William Penn Hotel, and in Chicago, June 17-19, at the Blackstone, according to Gradwell L. Sears, general sales manager.

Earlier plans for a single meeting in Washington have been abandoned for reasons of practicality and economy, the company declared.

The Pittsburgh session will be attended by district, branch and zone managers from the East and Canada, while the Chicago meeting will be for the West and South. Roy Haines, Eastern and Canadian sales manager, will preside in Pittsburgh, and Ben Kelmenson, Western and Southern sales manager, in Chicago.

350 Expected At Pacific ITO Meet

LOS ANGELES, May 7.—A total of 350 registrations is expected for the first annual convention of the Pacific Coast Conference of Independent Theatre Owners which starts tomorrow at the Ambassador Hotel. The complete program, which was announced today as trustees convened for committee meetings, includes talks by Ed Kuykendall, M.P.T.O.A. presi-

(Continued on page 3)

RCA Theatre Television Impresses Observers

RCA unveiled its large screen theatre television projector yesterday. About 400 stockholders and officials of RCA and a score of newspapermen were present to see the special program in Studio 3-A at Radio City.

The pictures were projected on an ordinary motion picture screen, six feet wide by four and a half feet high. The projector was a laboratory model, but a projector capable of producing 9 by 12-foot images will be ready within a few months.

Observers noted that the pictures came over with remarkable clarity and that it was difficult, at times, to distinguish between television and the usual type of film show. The lighting on the screen was adequate,

though not brilliant, but there was no difficulty in seeing the image clearly, even by those in the rear of the studio.

Observers who watched the screen carefully for the appearance of lines on the screen, because of the use of 441-line definition, were unable to discover any evidence of them. The picture came through as an entity, and with considerable detail. Long shots lost some of the light, and consequently, some of the detail, but medium shots and closeups came close to film perfection, it was observed.

Several minor defects were noted. The "ion spot," a dark spot in the center of the screen, was noticed only

(Continued on page 12)

Newsreel Parade

The Allied-Nazi battle for the Norwegian port of Narvik is shown for the first time in the new issues. The reels and their contents follow:

MOVIE TONE NEWS, No. 69—Nazis set up bases in Norway. Sea battle off Narvik. French tank maneuvers. Bless war ambulances in Paris. Neville Henderson discusses the war. Wedding fashions. Canal in California nears completion. Kentucky Derby.

NEWS OF THE DAY, No. 267—Sea battle for Narvik. Berlin stresses air power. England hails navy heroes. Coast Guard trains new men. Dress parade at Annapolis. Allied Relief Ball. Kentucky Derby.

PARAMOUNT NEWS, No. 72—Hoover dedicates boys' club home. Record crowds at Philadelphia Zoo. Duchess of Windsor in Paris. King Carol reviews troops. Churchill addresses Narvik survivors. Naval battle off Norwegian coast. Kentucky Derby.

RKO PATHE NEWS, No. 84—Narvik naval battle. French vigil on Western Front. Lei Day celebrated in Honolulu. Rumania in preparedness. New form of plowing on Illinois farm. Kentucky Derby.

UNIVERSAL NEWSREEL, No. 873—Allied-Nazi battle for Narvik. King Carol bolsters army. French patrols on Western Front. Ambulance units set for duty. May Day riot in Mexico. Cow show in Kansas. Monkeys perform at Philadelphia Zoo. Kentucky Derby.

Talley Delays Trip

Truman Talley, general manager of Movietone News, has postponed his planned trip to Europe to supervise the reel's coverage of the war because of the pressure of business here. He may go in about three weeks.

Purely Personal

ARTHUR KELLY, United Artists foreign department head, has postponed his departure for Europe for another week or 10 days in order to attend the company's annual sales meeting here, starting next Monday.

E. T. JONES of the RCA Manufacturing Co. sales promotion division was in town from Camden yesterday on the RCA exhibit at the World's Fair.

WILL WHITMORE of the publicity department of Western Electric is the father of a daughter, **JANE**, born early this week to Mrs. Whitmore.

GEORGE DEMBOW, vice-president in charge of sales for National Screen Service, is in Seattle this week on a national tour of branches.

EMANUEL M. WARONOV, city salesman in Buffalo for M-G-M, is the father of a boy, born to Mrs. Woronov this week.

LEDA BAUER, Eastern story editor for RKO, is on the Coast for story conferences, and is due back in about 10 days.

BARTY MALLORY, cashier at M-G-M's Memphis office, observes his 10th anniversary with the company May 20.

SAM C. MEYERS, owner of the Teatro Del Lago, Chicago, has joined Allied Theatre Owners of Illinois.

E. J. MANNIX and **IRVING ASHER** were unable to obtain accommodations on the *Clipper* scheduled to leave for Europe today so now plan to leave Saturday, either by *Clipper* if accommodations are available, or on the *Rex* if they are not.

DARRYL ZANUCK, **SOL WURTZEL** and **WILLIAM GOETZ** are extending their stay here several days. Originally scheduled to leave today, their departure now is indefinite but probably will not be before the weekend.

GRADWELL SEARS, **VINCENT TROTITA**, **ALEC MOSS**, **A. WILKIE**, **I. E. LOPERT**, **DENNIS KING**, **JOHN GOLDEN**, **EDDIE DOWLING**, **ARTHUR LOEW** and **LEE SHUBERT** lunching at Sardi's yesterday.

ALFRED HARDING, publicity representative for Actors Equity, returned to his desk yesterday after a three-week absence caused by pneumonia.

STANLEY FIELDS, **LESTER SANTLEY**, **SOL BORNSTEIN**, **HARRY BRANDT**, **JACK GOETZ** and **JACK COHN** at Lindy's (51st St.) for lunch yesterday.

HOWARD DIETZ, director of advertising and publicity for Loew's, Inc., is expected back from the Coast by plane today.

HARRY THOMAS, **TOM LOACH**, and **JACK CONNOLLY** lunching at Bob Goldstein's Tavern yesterday.

ALEXANDER KORDA plans to leave for Europe by *Clipper* on Saturday.

Fair Sponsors to Use Films Widely

Motion pictures on almost every conceivable subject again will be a major attraction in the industrial and foreign sections of the New York World's Fair. Exhibited free of charge, most of the films will be new this year, although there will be some revivals of the popular subjects of last year.

"Land of Liberty," a two-hour sound film adapted from 125 different features and shorts as the film industry's contribution to the Fair will again be on view at the Federal Building, in a 350-seat auditorium. Foreign exhibits will stress the war in their film shows.

The Federal Works Agency will show three Federal productions, "The River," "The Plow That Broke the Plains" and "The Fight for Life" while "The City" will be exhibited in the Science and Education Building. Eastman Kodak Co. will again present "Cavalcade of Color," a series of color stills simultaneously projected on the longest screen in the world.

War pictures will be presented in the Finnish, Czechoslovakian, British and French exhibits. Three-dimensional polaroid films will be presented in the Chrysler Motors Building. In the amusement area, "Gay New Orleans," a concession, will have old films nightly.

In all, there will be 42 exhibitors presenting films on a regular schedule. Most of them will either run continuously from noon to closing, or with brief intermissions. There will be every variety from 16mm. black-and-white films to 35mm. color and sound films and three-dimensional films. The vast majority of the films which will be shown in special theatres seating between 100 and 500, will be 16mm. sound films, evenly divided between color and black-and-white.

RKO's Convention Committee Is Named

The New York RKO exchange staff has been named as a reception committee for the sales convention here May 27 by A. A. Schubart, general manager of the convention. Robert Wolff is branch manager here. Others are Frank Drumm, office manager; Phil Hodes, Jack Ellis, Lou Kutinsky, Harry Zeitels, Ed Carroll and John Dacey.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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The Sun Country Special	7:00 am	12:20 am
The Plainsman	4:15 pm	8:15 am
The Mercury	5:10 pm	7:40 am
The Southerner	10:15 pm	1:39 pm

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AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

Only American
Flies the
Southern ALL-YEAR
Route to the
Coast

Writers to Ask \$150 Basic Weekly Wage

HOLLYWOOD, May 7.—A minimum wage of \$150 weekly and a ban on the turning out of scripts for a flat fee probably will be set as two of the principal points of the bargaining contract proposals to be discussed at a meeting of the Screen Writers Guild tomorrow night.

The executive committee met last night with the coordinating committees to complete a draft of the tentative agreement for submission to the writers for approval and adjustment before the presentation to producers' representatives Friday. Other points tentatively set are the right of writers to create their own material while on layoffs, a three-year minimum contract period, and a minimum \$150 wage for junior writers as well as others.

G. N. Mohawk Sale Affirmed by Court

Sale of film rights of Grand National Pictures to Mohawk Pictures Corp. after competitive bidding was affirmed yesterday in a decision of Federal Judge Vincent T. Leibell. The court upheld the acceptance of an offer by Mohawk of \$17,500 and 30 percent of the first \$100,000 grossed and 50 percent of all sums over that amount.

Judge Leibell's decision rejected an application of Gustave A. De Lemas to set aside the sale and to compel the G.N. trustee to accept his offer of a flat \$37,500. On argument of the application, Joseph Dannenberg, attorney for the trustee, asserted that G.N. would receive \$50,000 as its share of the films' grosses.

Appeal Aim of U.S. Oklahoma Dismissal Plea

(Continued from page 1)

open, to let the suit "just sit," which the Department would not consider because it would suit the defendants perfectly, the other to file a motion for dismissal which, if granted, would open an appeal on the question whether the motion for the bill of particulars was too broad.

The whole purpose of the maneuver, it was said, is to get the right to such an appeal to settle the question of how far the Government may be forced to disclose its hand in anti-trust suits. It was to pave the way for this motion, it was revealed today, that the Government in April asked that the time allotted to it to furnish the bill of particulars be curtailed by one month, making the final date May 1.

The Government's appeal on the bill of particulars will go directly to the U. S. Supreme Court. If the decision there is favorable to the Government, the Oklahoma City suit can be reinstated with the Government having the advantage of not being required to furnish a detailed bill of particulars, or of having to furnish only those particulars which the court directs.

However, if the Government loses its appeal it will be prohibited from introducing any evidence at the trial of the reinstated case which has any bearing on the disputed particulars sought by the defendants. It would be left with only a very circumscribed case against the defendants, which probably would force the Government to file an entirely new suit and complaint. Time thus would be lost instead of saved by the Government.

Disclosure of the Government's purpose in the maneuver is likely to dissuade defendants from opposing the dismissal order in the Federal court at Oklahoma City, which is now being considered. Industry attorneys now are inclined to let the Government proceed without a contest on its course, in the belief that it does not have any advantage in risking its procedure on the appeal.

Flexibility Keynote of 'U' Convention

(Continued from page 1)

budgeted in accordance with its requirements. Top-bracket budgeting will not be stressed in selling product, he said. While Universal shares the belief that American exhibitors must aid in the effort to improve the level of production values, since companies must look almost exclusively to the domestic market for profitable distribution, Universal believes exhibitor cooperation should not be forced on the basis of production costs alone, Scully said.

Meet for Labor Talks

HOLLYWOOD, May 7.—The committee representing producers in labor negotiations has been ordered to meet some time next week to draft an answer to the request of the studio unions for a conference on adjustment of working conditions.

Para. Officials Enthused Over 'Way of All Flesh'

HOLLYWOOD, May 7.—Paramount officials are reported highly enthusiastic over the new film version of "The Way of All Flesh," made on a nominal budget by Eugene Zukor as associate producer. The film is scheduled for national release on May 31.

Directed by Louis King, the cast is headed by Akim Tamiroff and Gladys George, and also includes William Henry, Muriel Angelus, Berton Churchill and Roger Imhof. Executives who have seen the film report it a standout production.

Paramount has purchased "Transatlantic Clipper," an original story by WILLIAM H. WRIGHT, one time DAVID O. SELZNICK production assistant, and JOHN SPEAKS, former Paramount producer. The picture, according to the studio's announcement, will be an airplane story having: 1. not a single forced landing; 2. no blind flying against terrific headwinds; 3. nary a parachute jump; 4. no pilot who has lost his nerve but overcomes his fear and drops bundles of food to starving Eskimos, and 5. no serum flown

through the year's heaviest storm to end an epidemic in a snowbound frontier post.

"Actually," according to the studio, "the story is a gay comedy laid 10,000 feet in the air and involving the adventures of a clipper crew who play nursemaid to a newborn baby found adrift in mid-Atlantic."

ARTHUR HORNBLow, JR., plans an early start on "I Wanted Wings," story of peacetime Army flight training, at Paramount. . . "Man Hunt," current best selling novel in England written by JEFFREY HOUSEHOLD, has been purchased by 20th Century-Fox. . . Warners will place JEFFREY LYNN and BRENDA MARSHALL in the top spots of "The Embezzler," and DENNIS MORGAN and ELIZABETH EARL in the leads of "River's End," the latter an adaptation of JAMES OLIVER CURWOOD's novel. . . M-G-M has signed ANN SOTHERN, the "Maisie" of the "Maisie" pictures, to a new term contract. . . DONALD OGDEN STEWART is doing the script for "The Philadelphia Story" at the same studio.

350 Expected At Pacific ITO Meet

(Continued from page 1)

dent, William F. Rodgers, Loew's general sales manager, and Joe Pasternak, Universal producer, who will replace Darryl F. Zanuck.

The Association of M. P. Producers will tender a dinner in honor of the exhibitors on Wednesday night. Studio visits are planned and the convention will wind up with a dinner dance on Friday night.

Among the important topics up for discussion will be the launching of a coastwide conciliation program to settle disputes. In effect such plan would be an extension of the plan adopted by the I.T.O. of Southern California and Arizona which was responsible for the settling of 115 cases, according to Robert H. Poole, convention chairman.

Following registration, the conciliation plan will be considered. The procedure will be to have exhibitors file written grievances which will be studied by an impartial committee of three drawn from the exhibitor's territory. Columbia will be host at a luncheon on Wednesday. Hugh Bruen, convention co-chairman, Poole, Pasternak and L. O. Lukan, trustee, will make organization talks.

J. M. Hone will be heard on legislation on Thursday; Arthur Aaronson on advertising accessories; and Rodgers on distribution problems. After Universal plays host at a luncheon, the afternoon session will hear Kuykendall on "M.P.T.O.A.'s Viewpoint"; William G. Ripley on government in business; John K. Hilliard, Paramount studio sound director, on theatre sound standardization; and Carl Hyde, on the effect of social security on theatres. Bob White, trustee, will preside, Thursday, and Rotus Harvey, another trustee, on Friday.

Resolutions will be presented on Friday, 20th Century-Fox will be host at a cocktail party with a banquet ending the meeting on Friday night.

SAG Neely Hearing Spokesmen Named

(Continued from page 1)

tives for the hearing within a day or two. All three guilds are on record as opposed to the Neely block booking bill.

WASHINGTON, May 7.—Proponents of the Neely block booking and affiliated theatre divorce bills, which will be up for hearings here next week before House and Senate committees, respectively, have not yet listed the names of those who will appear on behalf of the measures with the clerks of the committees.

It is believed opponents of the measures will not present a complete list of their spokesmen until this has been done, since proponents of the measure are to be heard first. Major company spokesmen who will appear in opposition to the measures have not been designated yet since many of them may be attending annual sales conventions at the time the hearings are on and, therefore, an accurate schedule of appearances cannot be made at this time.

Acquires Eight Films

Non-Theatrical Pictures Corp. has acquired for 16mm. release eight Harry Goetz-Edward Small productions originally released through United Artists. The films are "Count of Monte Cristo," "Last of the Mohicans," "Let 'Em Have It," "The Melody Lingers On," "Transatlantic Merry-Go-Round," "Joe Palooka," "I Cover the Waterfront" and "Red Salute."

Film Studio Telecast

HOLLYWOOD, May 7.—The first telecasting of the production of a motion picture took place today with the Don Lee station, W6XAO, transmitting a scene from "Dreaming Out Loud." W6XAO sent the signal six miles by short wave to the transmitter.

Goldwyn Sees Block Booking End As Boon

(Continued from page 1)

good for the industry, particularly in the light of the increasing problems resulting from the European war and the currency situations in many parts of the world.

Goldwyn also advocated the sharing of the producers' burden by the exhibitor in the approaching "industry crisis." He believes that Hollywood should restrict production to about 200 features a year, spending on them as much as is spent now for the present output of about 600 features annually. In this way, Goldwyn said, production quality could not only be maintained but could be constantly improved, providing product which would merit and command higher admissions, longer runs and better returns to the producer.

"The exhibitor in America is in the position now of deciding for himself whether or not he wants to remain in business," Goldwyn said. "If he does, he has to prepare himself to get more out of every good picture he buys and to return more than ever before to the producer. Otherwise, there will be no industry. Producers now have a foreign market shut off that normally provided them with an amount larger than their annual profits. That has to be made up if the business is to continue and the only place it can be made up is here."

Costs Going Up

"Production costs cannot be reduced. If anything, we may expect them to increase. The exhibitor has an obligation to give the public ever-improving pictures, and to turn out those pictures under present day conditions is likely to involve an ever-increasing cost."

Goldwyn declined to comment on current efforts to settle his court and company differences with United Artists other than to state that no settlement had been reached yet. He said he had no production plans for the immediate future but that he has 10 writers working on scripts now. Among his story properties is the Edna Ferber story, "Nobody's in Town," which he said will be made in color and half of the picture will be made in New York. Work is also progressing on "Natchez," "The Little Foxes," "Seventh Cavalry" and "McIntosh," he said.

His sales policy for "The Westerner" will be determined during his visit here of three or four weeks.

Samuel Goldwyn's "The Westerner" will have its world premiere at Fort Worth, Texas, on June 25, at the Hollywood and Worth simultaneously. The opening will be part of a three-day celebration sponsored by civic and state officials. The chief features will be a charity ball on the evening of June 24 and a number of community parades.

From Hollywood will go Goldwyn, and the film's cast, headed by Gary Cooper, Walter Brennan and Doris Davenport. The film will open in theatres throughout Texas on June 26.

MEMORANDUM to:

TERRY RAMSAYE of M. P. Herald
RED KANN of Box-Office
CHESTER BAHN of Film Daily
SAM SHAIN of Motion Picture Daily
CHICK LEWIS of Showmen's Trade Review
ABEL GREEN of Variety
HERBERT MILLER of The Exhibitor



with RITA JOHNSON
LYNNE OVERMAN
CHARLES COBURN
GENE LOCKHART

CLARENCE
PRODU

SCREEN PLAY BY TALBOT JENNINGS AND BRADBURY FOOTE

SPENCER TRACY
GREATEST PERFORMANCE
EDISON. THAT

The studio decided to make two pictures of the complete story. The idea was to have one as a boy who

life story of Thomas Alva Edison. Screen authors felt that the great inventor actually lived two distinct lives, one as a boy who

**“Dear Gentlemen of the Press:
I give you now one of the Biggest
Box-Office Hits of my entire career!”**

Sincerely,
Leo

P.S. Watch for the Biggest World Premiere since M-G-M marched through Georgia with “Gone With The Wind”. 3-day celebration May 14, 15, 16 in the Oranges of New Jersey. First time in history a simultaneous World Premiere in 4 theatres of one city! All were completely sold out 2 weeks in advance!

BROWN'S

CTION

**MACY'S
PERFORMANCE
MAN**

Produced by John W. Considine, Jr.

**HENRY TRAVERS
FELIX BRESSART**
A METRO-GOLDWYN-MAYER Picture
Directed by
CLARENCE BROWN



Tracy is a story of supreme American courage and faithfulness to an ideal and an ambition. It tells the intense, human battle of one man to achieve something the world needed despite the most difficult financial straits.

melodramatic struggle of Edison to bring electric light to the world. Dozens had failed before him and failure came time after time to him... yet he fought on and on until he succeeded. It is a story rich in romance and its inspiration. Like the most exciting of all, it ends, more

ratory which Edison had at Menlo Park. This footage portrays the details of every spot in the laboratory and the operation of all of Edison's original inventions. Because of this film, studio technicians were able to recreate the laboratory and materials in detail. After building the set itself it was necessary to manufacture more accurate articles which

ceased using in 1882. M-G-M also collected 11,000 feet of newsreel shots of Thomas Edison from 1925 up to his death in 1931. These were studied for make-up and surveyed by the cast and directors to capture the mannerisms of the man at that age when so many remember him today.

The studio officials of M-G-M were amazed at the amount of real life drama presented as a result of its re-creation of the life of Edison. His

'Apollo' Draws \$18,000, Top Frisco Gross

SAN FRANCISCO, May 7.—"Johnny Apollo" and "Star Dust" drew \$18,000 at the Fox, while "The Doctor Takes a Wife" and "Music in My Heart" garnered \$11,000 at the Orpheum. "Rebecca" took \$7,500 in the sixth week at the United Artists.

Estimated takings for the week ending April 30-May 3:

"Primrose Path" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Stage: vaudeville. Gross: \$13,500. (Average, \$15,000)

"The Doctor Takes a Wife" (Col.)
"Music in My Heart" (Col.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$11,000. (Average, \$8,000)

"Johnny Apollo" (20th-Fox)
"Star Dust" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$18,000. (Average, \$16,000)

"Dark Command" (Rep.)
"An Angel from Texas" (W. B.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$12,500. (Average, \$11,500)

"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 6th week. Gross: \$7,500. (Average, \$8,000)

"Dr. Kildare's Strange Case" (M-G-M)
"Two Girls on Broadway" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$5,000. (Average, \$6,000)

"Forty Little Mothers" (M-G-M)
"Opened by Mistake" (Para.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$10,000. (Average, \$12,000)

"Life of Guiseppe Verdi" (Foreign)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: \$900. (Average, \$1,000)

"Goose Step" (Foreign)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$600. (Average, \$1,000)

'My Son' Garners \$13,000, Cincinnati

CINCINNATI, May 7. — "My Son, My Son" was good for \$13,000 at the RKO Palace. "Dr. Kildare's Strange Case" gave Keith's a nice \$6,000. The weather was pleasant. Baseball provided competition.

"Star Dust" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$10,500. (Average, \$12,000)

"My Son, My Son" (U. A.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$13,000. (Average, \$10,000)

"Rebecca" (U. A.)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 3rd week. Gross: \$5,800. (Average, \$10,000)

"Johnny Apollo" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$3,500. (Average, \$6,500)

"Shooting High" (20th-Fox)
"Free, Blonde and 21" (20th-Fox)
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: \$4,000. (Average, \$5,000)

"Village Barn Dance" (Repub.)
"Tarzan and the Green Goddess" (Prin.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,500. (Average, \$1,500)

"Viva Cisco Kid" (20th-Fox)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$900. (Average, \$900)

"Dr. Kildare's Strange Case" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$6,000. (Average, \$6,000)

Theatres, Radio Aid City's Safety Drive

ROCHESTER, May 7.—Radio stations and theatres here are cooperating in the traffic safety campaign launched by the Citizens' Traffic Safety Committee.

Included on the committee are: William A. Fay, WHAM; Gunnar Wiig, WHEC; Mortimer A. Nussbaum, WSAY; Lester Pollock, Loew's Rochester; Jay Golden, RKO Palace, and William H. Cadoret, Monroe Amusements, Inc.

London Review

"For Freedom"

(Gainsborough-General Film)

LONDON, April 22 (By Mail)—Two qualities stand out in favor of this as entertainment. It is topical, and it is a direct appeal to the Briton's pride in his Navy. It recreates the Battle of the River Plate in detail and with punch. The men who took part and who are contemporary heroes take part in the film. But the unabashed flag-wagging and the strictly nationalistic note will check many American exhibitors.

The film is an odd mixture of newsreel, personal drama and documentary. It opens as an exposé of Britain's war case, made out of library material, and with a thin, ultimately discarded story, of a newsreel editor with pacifist ambitions. Then it merges into a reenactment of the River Plate battle, and a swift glance at the Altmark incident. The newsreel sequences are familiar. The naval passages are impressive and instructive and the work of the *Exeter*, *Ajax* and *Achilles* officers and men, memorable. The thrills of the battle are all the more compelling by the quiet demeanor of the men who went through them. A Captain Dove, mercantile skipper who was imprisoned on the *Graf Spee*, is almost as good as Will Fyffe.

Castleton Knight of GB News and Maurice Elvey directed—and Will Fyffe has a part as the newsreel chief. The Admiralty cooperated.

Running time, 85 minutes. "G"

AUBREY FLANAGAN

*"G" denotes general classification.

Tax Board Rules On Marshall Claim

WASHINGTON, May 7.—Laying down the rule that "if a married person domiciled in a non-community property state performs a contract in California from which he derives income, the income is not to be regarded as community property simply because it was earned in California," the Board of Tax Appeals today held that Herbert Marshall, English actor, was not domiciled in that state in 1933 and therefore could not report his motion picture earnings as community property.

The board held that Marshall, appealing from income tax deficiencies of \$86,938 levied against him for the years 1933-35, inclusive, had not shown definitely that when he went to California in 1933 he intended to make that state his home; it did hold, however, that he was entitled to claim domicile in the state and take advantage of its community property laws for 1934 and 1935 income returns. The decision lifted a penalty of \$974.

Para. Will Preview 'Days' in Galesburg

Premiere of Paramount's "Those Were the Days" will be held May 21 in Galesburg, Ill., following a two-day celebration in conjunction with the event.

Scheduled for May 20 are an all-day street fair; a military review of the R.O.T.C. and the arrival of film players. On the program for May 21 are baseball games, tennis matches and a street parade; press banquet at the Hotel Custer; a broadcast of NBC's "Battle of the Sexes" program; showing of the picture and the selection of the All-American college queen.

Appeal Luncheon May 14

A committee luncheon of the United Jewish Appeal will be held May 14 at the Astor with David Bernstein and Major Albert Warner, co-chairman, presiding. Edward M. M. Warburg, chairman of the Appeal's New York campaign, will discuss the European war.

Battle Over 'Wind' In Commons Again

LONDON, May 7.—"Gone With the Wind" again came before the House of Commons today, as two Members of Parliament asked the Home Secretary to stop profiteering and prohibit the exhibition of the film, as a result of the M-G-M rental terms of 70 per cent on "Gone With the Wind."

The Government spokesman answered that he had no power to do so. Reginald Stamp, chairman of the Entertainment Committee of the London County Council, has admitted his body has no power to take action in the matter of "Wind" rentals, but indicated he might seek such powers. He also said he intends to view the film, following the protests of an association of colored people.

Meanwhile, the general council of the Cinematograph Exhibitors Association tomorrow will consider the results and continuance of the campaign for reduced rentals. Harry P. E. Mears, president, issued a sharp reply to the Kinematograph Renters Society criticism of the campaign, citing the fight against Metro and "Wind," and deprecating the K.R.S. threat to drop plans for talks with C.E.A.

Garrison Promoted To District Manager

William A. Scully, Universal general sales manager, announced in New York Tuesday the appointment of Joseph Garrison, former branch manager of the St. Louis exchange, to district manager over Omaha, Kansas City, Des Moines and St. Louis territories.

Garrison replaces Pete Dana, who is transferred to New York on special assignments out of the home office.

Harry Hines, salesman in the St. Louis office, will fill Garrison's former post as St. Louis manager.

Warners Sign Thompson

HOLLYWOOD, May 7. — Harlan Thompson, until recently a Paramount producer, was signed by Warners today as an associate producer to work under Hal Wallis.

Greenthal to Head U.A. 'Pre-Selling'

(Continued from page 1)

United Artists producers and their productions. Following an exploitation and advertising program that will center in large part on trade publications, Greenthal's work will call for individual picture campaigns from purchase of the story through release of the completed production. These campaigns will involve the maintenance of uninterrupted contact with 15 assistants, to be stationed in key cities throughout the country and cover all exchange territories. The new bureau will work in cooperation with the home office advertising and publicity department under Lynn Farnol, director.

Plans for establishment of the pre-selling organization were approved by the United Artists board of directors at a meeting here two weeks ago. At that time Silverstone said that David O. Selznick had contributed many valuable suggestions for the work of the bureau, based on the successful methods employed by his organization prior to and during production of "Gone With the Wind." Silverstone discussed many of these suggestions with United Artists producers during his conferences on the Coast last week and obtained their approval.

Yesterday Silverstone reiterated his belief that only through exceptional pre-selling efforts can the better pictures be expected to gain the extended runs and higher admissions so essential to producers and distributors as a result of the loss of foreign revenues.

Philadelphia Data To Open U.S. Trial

(Continued from page 1)

part of New Jersey, which will be handled by Special Assistant Attorney General Seymour Krieger, will be presented first because the Government charges only one company, Warners, with monopoly there, it was stated. Additionally, the Government expects considerable support in that territory from Allied States Association.

U. S. Attorney William P. Farnsworth will follow Krieger with evidence on New York and part of New Jersey and Connecticut, it was reported. The Government then plans to have Krieger develop the New England situation with Special Assistant Attorney General Robert L. Wright then taking the lead on the Middlewest territory with particular emphasis on Chicago.

It was said that Judge Goddard will declare a two-month recess early in August. The Government is expected to complete these phases of its case by the end of January.

Columbia Wins Point In Stockholder Suit

N. Y. Supreme Court Justice Philip J. McCook yesterday dismissed two causes of action in the suit of five stockholders against Columbia Pictures and a number of its officers. The court ruled that attempts to recover alleged excess salary and bonus payments were barred by time limitations.

Applications by Columbia to dismiss other causes of action were denied by Justice McCook.

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FROM

RKO!



(Continued on Page 8, Column 2.)

GOES WILD "FAVORITE WIFE"!

Journal



RIALTO DOES BIGGEST BUSINESS IN 3 YEARS!

Coast Preview Critics Say—

VARIETY —

"Sure-fire . . . made to order for the top first runs."

FILM DAILY —

"One laugh after another...should do land-office business."

MOTION PICTURE DAILY —

"One of the funniest pictures of the year."

MOTION PICTURE HERALD —

"The audience was swept with laughter."

BOX OFFICE —

"All hands hit the jackpot for comedy."

HOLLYWOOD REPORTER —

"RKO has a solid hit . . . Should take the kinks out of a lot of box-offices."

HOLLYWOOD VARIETY —

"Sure-fire prescription for a hit show of most prosperous dimensions."

LOUELLA PARSONS, L. A. Examiner —

"A rogue of a picture...Sophisticated, sparkling, gay and so hilarious it will make the worst grouch forget he is mad."

EDWIN SCHALLERT, L. A. Times —

"Will yield enjoyment and laughter in largest measure."

VIRGINIA WRIGHT, L. A. Daily News —

"Rapid-fire nonsense, played in broad comedy style...Great antidote for the news of the day."

JAMES STARR, L. A. Herald-Express —

"If it is not the comedy favorite of 1940 I will eat the film reel by reel."

IRENE DUNNE CARY GRANT
"My Favorite Wife"

with RANDOLPH SCOTT GAIL PATRICK

A LEO McCAREY PRODUCTION

MORE BIG OPENINGS REPORT



New Orleans, Kansas City, Montreal, Vancouver, Buffalo, Sioux Falls—six out of six—flashing word of sensational success . . . with Seattle and Portland holding over to terrific business!

ask!

FOR

**ANNA NEAGLE
RAY MILLAND**

IRENE

with

ROLAND YOUNG · ALAN MARSHAL

MAY ROBSON

BILLIE BURKE

ARTHUR TREACHER · MARSHA HUNT

ISABEL JEWELL · DORIS NOLAN



**PRODUCED AND DIRECTED BY
HERBERT WILCOX**

Screen Play by Alice Duer Miller • From the Musical Comedy—"IRENE" • Book by James H. Montgomery • Music and Lyrics by Harry Tierney and Joseph McCarthy

RCA Theatre Television Is Impressive

(Continued from page 1)

by the more experienced observers. In addition, a number of pictures had dark streaks in them, and a slight, greenish discoloration was noticed occasionally. A bad camera angle caused some distortion while the "Merry Macs" were singing, but otherwise the direction and camera technique gave pace and spirit to the variety program.

The beginning of the program was picked up over the air from the W2XBS transmitter and the latter part was transmitted directly from the studio by cable. The shift took place during one of the fadeouts, and except for a lapse of several seconds, there was no noticeable difference between the broadcast and wired pictures.

The cast was composed of Lowell Thomas, who interpolated news flashes from the House of Commons in London; the "Merry Macs," a harmony team; Judith Ridkin, eight-year-old concert pianist; Parker Fennelly and Charles Dow Clarke, in a "Simpson Boys" sketch; a string quartet; Sheila Barrett, character impersonator; Edward Johnson, general manager of the Metropolitan Opera Association and Kirstin Thorborg, Metropolitan contralto. Ray Forrest was the announcer.

The audience of stockholders greeted the presentation warmly and each act received a generous amount of applause. The projector is designed exclusively for theatre use. Observers felt that it would require some improvement before it would be ready for use for dramatic entertainment in theatres but that, for sporting and other special events, the new television projector had given a convincing demonstration.

FCC Officials Deny Delay in Television

WASHINGTON, May 7.—Federal Communications Commission officials today denied any delay in the handling of the television situation, against which Senator Lundeen of Minnesota yesterday "protested."

Speaking at the close of the Senate's session, Lundeen reiterated his charges that the commission had "exceeded its authority" in suspending its original television order, and declared that the whole matter could have been cleaned up in 48 hours, "if Chairman Fly had stayed on the job and the wishes of a few attorneys were not respected when it comes to the matter of filing briefs."

"Thousands of men could be taken into private employment at once and eventually a half-million men could be given jobs if a bureau here in Washington would abandon an entirely illegal and arbitrary position," he said. "So far as legality is concerned, the F.T.C. has the authority to supervise advertising and not the F.C.C."

Commission officials declared that the television question was actively under study and that decision would probably be reached before May 15.

Off the Antenna

M-G-M, which arranged to have the premiere of "Gone With the Wind" televised by NBC, has again obtained a television tieup for "Edison, the Man" which opens next week. NBC will televise the activities at the Hollywood, Orange, N. J., from 8:30-9:15 P. M. on Thursday, May 16, and will also televise the "Edison Pageant of Progress."

Total number of NBC affiliates will reach an all-time high next month with the addition of KRBM, Bozeman, Mont., and WSJS, Winston-Salem, N. C., when the total will be 189 stations. KRBM, which joins on June 1, operates full time with 250 watts on 1,420 k.c., while WSJS joins on June 26 and operates full time with 250 watts on 1,310 k.c.

Summer television will retain the Saturday night show after all, it was announced yesterday by Alfred H. Norton, NBC vice-president in charge. The original plan to start the week on Monday night and end Saturday afternoon was dropped after dealers protested that they would be unable to demonstrate their sets on their best sales night unless the Saturday night show were continued. Friday and Saturday night shows will be addressed particularly to children. The new schedule starts next Tuesday.

Personalities: George Marlo, manager of the Crawford Music Corp. and recently elected president of the Music Publishers Contact Employees Union, has been named professional manager of Broadcast Music, Inc., effective Monday. . . . Donald Flamm, owner of WMCA, will fly to the Coast today with Bob Goldstein and Lee Shubert on a play producing deal in Hollywood. . . . Oliver Morton has been named NBC's special representative in the central division for sales of national spot time on Westinghouse stations, and Maurice M. Boyd, New York City spot sales manager, will go to Chicago to replace Morton as spot and local sales manager in the central division. . . . Bert Lebar, Jr., WHN sales manager, became a father last week.

Program Notes: Bob Ripley's "Believe It or Not" series over CBS will wind up for the Summer on May 24 but will be back with the network in the Fall. . . . Louis Bromfield has sold the radio rights for adaptation of "The Rains Came" to Bromfield Associates. . . . WMCA will have dance music from 8 P.M. to 1 A.M. on Saturday nights, beginning this week. The station will start reconstructions of an outstanding baseball game next Monday at 6:45 P.M. The daily feature will be sponsored by Madison Personal Loan. . . . "Today At the Fair," featuring news and intimate highlights from the New York Fair, will start over WNEW tomorrow, at 8 P.M.

Special studies of the influence of radio programs on crime were proposed to the Federal Bar Association at Washington by Dr. H. Milton Colvin, chairman of the Association's Committee on Criminal Law and Procedure.

In a criticism of "Crime Doesn't Pay" programs, Dr. Colvin reported instances where criminals had adapted methods they heard on the radio and charged that in some features the life of a criminal frequently "is made so exciting that some young listeners have difficulty in deciding whether they would rather be the lawbreaker or the detective."

DuMont Reelected Company President

Allen B. DuMont was reelected president of the television laboratories which bear his name at the board of directors meeting which followed the annual stockholders' meeting, it was announced yesterday. Mortimer W. Loewi was reelected vice-president; Paul Raibourn, treasurer; and Bernard Goodwin, secretary.

Class A directors elected were DuMont, Loewi, Henry Crowley and Philip Siff. Class B directors, representing the Paramount interest, were Raibourn, Goodwin, Arthur Israel, Jr., and A. J. Richard.

March, Cromwell Signed

HOLLYWOOD, May 7.—David Loew and Albert Lewin today signed Fredric March, as star, and John Cromwell, as director, for the film version of Erich Maria Remarque's novel, "Flotsam."

RCA Quarter Profit Rises to \$2,312,893

David Sarnoff, president, who presided at the RCA stockholders' meeting yesterday, announced that the first quarter's profit for 1940 amounted to \$2,312,893, compared with \$1,448,110 for the same period last year, a rise of 60 per cent. Profits for each share of common stock amounted to 10.8 cents, as compared with 4.6 cents for the same period last year. The present bank indebtedness has been reduced from \$8,000,000 in 1939 to \$2,000,000. Gross business for the first quarter rose 13 per cent to \$28,310,407. Commenting on the obsolescence factor in television, Sarnoff declared that it would be "no greater than in the early days of radio."

Gano Dunn, Edward F. McGrady, DeWitt Millhauser and Edward J. Nally were reelected directors for three-year terms. Arthur Young & Co. was named independent auditor for the company.

Televising National Republican Meeting

Washington, May 7.—Formal announcement of plans for television coverage of the Republican National Convention which opens in Philadelphia June 24 were made tonight by John Hamilton, chairman of the Republican National Committee.

Coverage will be afforded by two units operated by NBC and one set installed by Philco, Hamilton said. Two companies, he added, estimate that some 40,000 persons in the NBC area and 3,000 in the Philco area will be able to "look in" on the convention proceedings. Special stands will be provided for the television cameras.

Pitkin Honored at New Haven Dinner

NEW HAVEN, May 7.—More than 100 guests from all branches of the industry and other friends from New York, Boston, and the Connecticut territory attended the 20th anniversary testimonial dinner tendered Barney Pitkin, RKO exchange manager, at Racebrook Country Club tonight.

Morris Joseph, Universal exchange manager, presented his one-time employee with a gift on the part of those assembled. Harry F. Shaw, Loew-Poli division manager, acted as toastmaster, introducing Herbert MacIntyre, Boston RKO division manager, Larry Gardiner, William McShae, Michael Power, August Schubert and other speakers. Thomas J. Donaldson, Metro manager, was chairman of the event, assisted by Morris Joseph as secretary, and Hugh Maguire, RKO salesman, as treasurer. Music and other entertainment followed the dinner.

Among the guests were Herbert MacIntyre, Ross Cropper, Larry Gardiner, I. H. Rogovin, William Erbb, Hy Fine, Al Kane, Dan Seletsky, Phil Seletsky, Nat Furst, and Morris Pouzner of Boston; William McShae, Irwin Wheeler, Harold Eskin, Harry Zeitels, Frank Drumm, Edward Peskay, Sidney Kramer, William Brown and Harry Reiners of New York; John P. Findlay, Morris Jacobson, J. Levine, A. M. Schuman, Matt Saunders, Lou Anger, Morris Rosenthal, Sam Hadelman, Peter Perakos, Randy Maller, George Wilkinson, Jr., Mr. Maurice Shulman, Martin Keleher, Henry Needles, Walter Lloyd, George Landers, James McCarthy, Frank Mann, Joseph Faith, Leo Ricci, Tony Boscardine, Morris Hadelman, John Evers, John Sirica, William and Michael Sirica and Robert Schwartz.

The New Haven representation included Dr. J. B. Fishman, Abe Fishman, Maurice Bailey, Thomas J. Donaldson, Ben Simon, Morris Joseph, Tim O'Toole, Edward Ruff, Roger Mahan, Lou Wechsler, Samuel Seletsky, I. Levine, John Pavone, Harry Shaw, Hugh Maguire, B. E. Hoffman, Maxwell Hoffman, Earl Wright, Pete DeFazio, Milton Hyams, Ben Lourie, Morton Katz, Henry Germaine, Larry Germaine, William Cannelli, Robert Russell, John Hesse, Harry L. Lavietes, Michael Tomasino, Charles Lazarus, Philip Gravitz, Samuel Rosen and Samuel Weber.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 92

NEW YORK, U. S. A., THURSDAY, MAY 9, 1940

TEN CENTS

RCA Beclouds Television Issue—DuMont

*Flexibility the Crux, Says
Paul Raibourn*

Charging that RCA was attempting "to drag a red herring across the trail of a simple technical discussion," Paul Raibourn, treasurer of the Allen B. DuMont Television Co. and Paramount executive, yesterday declared that RCA in its briefs filed with the F.C.C. last week was attempting to "becloud" the issue of commercialization of television.

RCA had asserted that Paramount, through its interest in DuMont, was seeking "the adoption of systems and methods that would make television inferior rather than superior to motion pictures."

"By avoiding discussion of technical quality, the statement conceals the real issue, which is whether or not the consumer is to be served with flexible standards and television sets which will not become obsolete too quickly," Raibourn declared.

"In reply to RCA's charge that Paramount has entered the television industry to be a 'Trojan horse,' we need only to point to the record," he continued. "Paramount does not control the Allen B. DuMont Laboratories. The DuMont's sole request

(Continued on page 12)

St. Louis Union Affairs Settled

St. Louis, May 8.—Final settlement of the embattled affairs of operators' Local 143, I.A.T.S.E., was effected here today through stipulations filed with Circuit Judge Ernest F. Oakley.

Principal points in the stipulation are: the union agrees to waive collection of \$48,399 from John P. Nick, ousted "czar" of the union, and Clyde Weston, former business agent, judgment for which had been entered by Judge Oakley; Nick and Weston will drop their appeal to the Missouri Supreme Court from Judge Oakley's decree ousting them from control of the union and making the receivership permanent; Judge Oakley is to regain full control over the receivers, their final report and the fixing of attorneys' fees.

Counsel for the union said the ultimate purpose of the ouster suit, restoration of autonomy to the local, had been achieved.

U.S. to Scrutinize Philadelphia Files After Compromise

The Government on Monday will start inspecting Philadelphia area licensing contracts and records of all major defendants in its anti-trust suit, as a result of a compromise agreement reached by attorneys yesterday, Department of Justice officials said. Government plans call for presentation of these records as part of its trial evidence covering the distribution situation in the Philadelphia territory.

The compromise forestalls a Government motion for an order to compel the defendants to allow the Government to inspect a comprehensive list of contracts and inter-office records covering the negotiations with a long list of theatres located in or about Philadelphia.

In the absence of any unforeseen change in plans, Department of Justice lawyers will scrutinize Loew's

(Continued on page 6)

Odlum 1939 Atlas Salary \$200,662

Floyd B. Odlum received a salary of \$200,662 in 1939 as president of Atlas Corp., according to the annual report filed with the Securities and Exchange Commission yesterday.

Rathvon and Co. received \$55,000 from Atlas Corp. for supervisory services in connection with the RKO reorganization and \$10,000 for special services. N. Peter Rathvon, head of Rathvon and Co., is a member of the RKO board of directors.

Simpson, Thacher and Bartlett, attorneys for Atlas in the RKO reorganization, received legal fees of \$184,500 for services in connection with both the RKO and Utilities Power and Light Corp. reorganizations, according to the Atlas report.

Films Face Crisis, Selznick Declares

Rochester, N. Y., May 8.—A crisis is ahead for the film industry, it was declared here today by David O. Selznick, who arrived with John Hay Whitney to take part in the University of Rochester's "Frontiers Clinic."

With the foreign market seriously damaged, Selznick declared the industry "must now concentrate on producing better pictures," and said that an increase in admission prices is necessary to meet the cost of higher quality films.

Court Orders Data In U.S.-Schine Suit

BUFFALO, May 8.—Trial of the Government's anti-trust suit against Schine Chain Theatres, Inc., and the major distributors will be delayed more than three months, at least, according to papers filed in the U. S. District Court here today.

Orders signed by Federal Judge John Knight direct the Government to serve bills of particulars within 60 days on Warner Brothers Pictures, Inc., Loew's, Inc., Vitagraph, Inc.,

(Continued on page 6)

Fairbanks' Trust Fund Transferred

PITTSBURGH, May 8.—A trust fund of approximately \$195,000 established with the Union Trust Co. in 1926 by the late Douglas Fairbanks, Sr., was transferred to the Guaranty Trust Co. of New York, executor of Fairbanks' estate, by court order today.

The transfer is being made to permit the New York bank to distribute the money among Mrs. Sylvia Fairbanks, the widow; Douglas Fairbanks, Jr., and other beneficiaries.

Defense Lawyer Confers Here On Griffith Trust Suit Procedure

Judge C. B. Cochrane, chief counsel for major company defendants in the Government's anti-trust suit against Griffith Amusement Co., arrived in New York yesterday and conferred with major company counsel here on future procedure in connection with the Government's maneuvers for dismissal of the Oklahoma City anti-trust suit.

Procedure of defendants in the case is being left to the discretion of Judge Cochrane in line with further developments. Cochrane will leave for Oklahoma City today.

It could not be learned whether, as a result of the conference, defendants will oppose the Government's attempt to obtain dismissal of the Oklahoma City suit when it comes up for hearing before Federal Judge Vaughn on May 16.

Sales Heads Cooperate In Conciliation

*I. T. O. Conference Hears
Of Solid Support*

LOS ANGELES, May 8.—Sales managers of all major companies have agreed to mediation of exhibitor-distributor problems, Robert H. Poole, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, told 200 exhibitors at the first annual meeting of the Conference, which opened here today.

The distributors, he said, are cooperating in setting up conciliation machinery to settle disputes on the West Coast. Explanation of the conciliation program, the need for organization of exhibitors for collective adjustment of problems and a plea for "solid opposition" to double features keynoted the opening session. The three-day meeting is being held at the Ambassador Hotel.

Talks by Hugh Bruen, a trustee of the Conference, and Joseph Pasternak, Universal producer, featured the opening session.

"The 1940-'41 season is the crisis of the film entertainment industry," Poole told the convention. "There have been many things which have

(Continued on page 7)

5 UA Producers At Sales Meeting

Five of the 13 producers releasing through United Artists will attend the company's annual sales convention which opens at the Waldorf-Astoria on Monday. They are: Samuel Goldwyn, David O. Selznick, Hal Roach, Sol Lesser and James Roosevelt.

The company's sales meeting will continue for three days here and will be followed by a three-day meeting in Chicago starting May 17. Goldwyn will attend both meetings. His latest

(Continued on page 6)

English Credit Bank Statement Due Soon

LONDON, May 8.—Formal Government announcement relative to the proposed Film Credit Bank and industry legislative changes are expected to be made to the Films Council late next week, following ratification by Government committee.

The Films Council meeting today was routine, as a result of the absence because of illness of Sir Frederick Whyte, chairman.

Seek to Use Neon Signs During Day

London, May 8.—British exhibitors, barred from using their neon signs at night, now want to use them during the day—to prevent deterioration of the equipment.

Manchester and Liverpool theatre operators have asked the C.E.A. to obtain approval from the Home Office, but they are not expected to get it.

See More English Amusement Control

LONDON, May 8.—A recent London Council move to clean up stage and club shows, and which has developed into national action on the part of the Government, may lead to greatly increased powers of control over all places of entertainment.

Objective of the council move was to cut down nudity shows in vaudeville houses and to check suggestive dialogue. Film houses were not directly concerned.

A conference was convened by the Lord Chamberlain, official governing theatres, and in conjunction with the Home Secretary, who controls all licensed houses, representatives of all British licensing bodies were invited, as well as representatives of the various entertainment organizations. The C.E.A. was included.

It was agreed to take steps to check the tendencies complained of and to collaborate with the Lord Chancellor and the licensing authorities.

Freeman Negotiating British Picture Deal

Gerald Freeman, managing director of Anglo-American Film Co., Ltd., distributor of British National films, is in New York from London to negotiate for American distribution of the company's new product.

Freeman will be here for an extended visit. He reported that British National has maintained its production activity in England without serious interruption since the outbreak of the war. Among the company's new productions are "Spy in Black" and "Contraband," both starring Conrad Veidt.

Veidt accompanied Freeman to America and may make personal appearances with "Contraband" openings in key cities.

Cliff Work En Route To Universal Meet

HOLLYWOOD, May 8.—Cliff Work, vice-president and general studio manager for Universal, left today via TWA plane for Atlantic City, where the first of the company's regional sales meetings will open on Saturday. He will outline production plans there.

Returning, he will stop off at Chicago for the regional meeting there May 18-20, when he will repeat the product details for the Western sales force. He is due back here in about two weeks.

Schaefer Signs Deal

HOLLYWOOD, May 8.—George J. Schaefer, RKO president, today signed a releasing deal for a film on the "Scattergood Baines" character, which Jerry Brandt and Charles Ford will produce. Schaefer will leave tomorrow for New York.

Seeks Variety Club Charter in Sydney

Pittsburgh, May 8.—National Chief Barker John H. Harris has received an application for a charter for a Variety Club in Sydney, Australia, from Harry Hunter of Paramount there. Hunter formerly was with Paramount in Washington, D. C. If granted, the charter will be the first out of the United States, and may start a drive for internationalization, members here say.

Walker to Address Ampa Lunch May 23

Former Mayor James J. Walker will address the Ampa luncheon meeting at Jack Dempsey's Restaurant on May 23. Today's meeting will feature five radio commentators on films, David Lowe, WNEW; Stella Unger, WEF; Radie Harris, WOR; Sam Taylor, WHN, and Jack Mitchell, WBNX. The luncheon will start at 12:45 P.M.

20th-Fox Salaries

A statement filed by 20th Century-Fox with the New York Stock Exchange yesterday revealed the following earnings during 1939: Sonja Henie, \$249,166; John Ford, director, \$235,000; and Darryl F. Zanuck, vice-president in charge of production, \$255,000.

Joseph Schenck East

HOLLYWOOD, May 8.—Joseph M. Schenck, chairman of the board of 20th Century-Fox, will leave for New York in a few days.

Purely Personal

ALAN FREEDMAN, president of De Luxe Laboratories, returned from a brief visit to the Coast yesterday.

EMANUEL SILVERSTONE, MONROE GREENTHAL, HARRY GOLD, PAUL LAZARUS, L. J. SCHLAIFER, ARTHUR SILVERSTONE, HARRY KOSINER, WALKER, ABE MONTAGUE, ROBERT JACKER, LOU WEINBERG, LOUIS ASTOR, M. J. WEISFELDT, JOSEPH MC CONVILLE and MAX SELIGMAN at Lindy's (next to the Rivoli) for lunch yesterday.

PAUL BENJAMIN, WILLIAM A. SCULLY, WILLIAM GERMAN, BUDE ROGERS, HARRY THOMAS, HERB EDWARDS and SAM CITRON at Bob Goldstein's Tavern yesterday.

JIMMY SILEO and JOE HEPPNER, film photographers, have been elected first vice-president and board chairman, respectively, of the Press Photographers' Association.

CHARLES E. MCCARTHY, Mr. and Mrs. HOWARD DIETZ, RUSSELL HOLMAN, WILLIAM ORR and TED O'SHEA at Nick's Hunting Room in the Astor for lunch yesterday.

HARRY BUXBAUM, JOSEPH LEE, JOSEPH LEWIS, WILLIE HOWARD, CHARLES SONIN, MAX WOLF and JACK GODDARD lunching at Sardi's yesterday.

IRVING JACOBS, JR., of the Branford in Branford, Conn., is due Saturday from a six-week trip through the West and South.

ROBERT S. BENJAMIN, attorney associated with Phillips & Nizer, left on a two-week business trip to the Coast last night.

HANNAH GINSBERG, secretary to J. ROGER MAHAN, Warners New Haven manager, has left for a Miami vacation.

LOUIS BERNSTEIN, STANLEY FIELDS, GEORGE JOYCE and LESTER SANTLEY lunching at Lindy's (51st St.) yesterday.

ANATOLE LITVAK, Warner director, is here from the Coast.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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WITH
MARTIN SPELLMAN

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WILLIAM NIGH
Associate Producer
GRANT WITHERS
Original story by Grover
Jones and True Boardman
Screenplay by Marion Orth
and Joseph West
A
MONOGRAM PICTURE



U.S. to Scrutinize Philadelphia Files After Compromise

(Continued from page 1)

records first and then will continue with those of Warners and Paramount. If the Government is not satisfied with the scope of the records, another conference may be held, it was stated.

Pending the inspection, the Government motion will be held in abeyance. Government attorneys declared after the conference that "very good progress" had been made toward an understanding by both sides of the difficulties of the situation and toward an amicable arrangement.

Special Assistant Attorney General Paul Williams and U. S. Attorney William P. Farnsworth represented the Government. Herman Finkelstein represented Columbia; Howard Levinson, Warners; John Howley, RKO; Lawrence Bunker, Loew's; Albert C. Bickford, Paramount, and Myron Bull, 20th Century-Fox.

Application of 20th Century-Fox to dismiss the suit as against 19 of its officers, which was referred to Federal Judge Henry W. Goddard, has not been set down for hearing as yet.

Nate J. Blumberg, president of Universal, will take the stand in a pre-trial examination today. Charles Moskowitz, Loew's theatre executive, will be examined tomorrow.

Fight 'Wind' Terms CEA Tells Members

LONDON, May 8.—The Cinematograph Exhibitors Association general council today decided to instruct all members not to agree to M-G-M's 70 per cent rental terms for "Gone With the Wind," and not to raise admissions for the film. Members will be told to pay no more than 50 per cent.

Harry P. E. Mears, C. E. A. president, cabled Louis B. Mayer, M-G-M production chief, appealing to him for the release of "Wind" here at normal rental terms and admissions. He criticized the much-publicized grosses on the film, and declared that the British public, already heavily taxed, objects to paying higher prices.

The C. E. A. decided on no national recommendation on war bonuses for theatre staffs and referred the matter to the local branches. The National Association of Theatrical and Kine Employees claims that strike action is threatened in 48 districts. It is indicated that a serious trade problem may result from the situation.

HOLLYWOOD, May 8.—The office of Louis B. Mayer, M-G-M production chief, denied that any cable had been received by Mayer from the Cinematograph Exhibitors Association in England.

La Varre Case Settled

Suit for \$50,000 damages brought by William La Varre against Warners in the N. Y. Supreme Court was marked settled yesterday on the trial calendar call. Terms of settlement were not disclosed. La Varre contended that Warners had not paid for two stories allegedly used for the films, "The Bed-side Manner" and "Gambling Lady."

Optimists

Cincinnati, May 8. — "Because optimism and dreams are the chief ingredients in the 'formula' of the picture industry, persons connected with that industry must necessarily be optimists," declared Arthur Frudenfeld, RKO division manager, in addressing the local Optimists Club. "Faith in the future is responsible for the large investments made daily in the production of filmed entertainment," he said.

5 UA Producers At Sales Meeting

(Continued from page 1)

picture, "The Westerner," will be screened at both meetings.

Sol Lesser will arrive from the Coast on Monday, bringing with him a print of "Our Town," his latest production. James Roosevelt will arrive from the Coast by plane this weekend. Selznick, Goldwyn and Roach are already in New York. If Alexander Korda is unsuccessful in obtaining accommodations aboard the *Clipper* this weekend for his scheduled trip to Europe he too will attend the sales meeting.

Court Orders Data In U. S.-Schine Suit

(Continued from page 1)

Paramount Pictures, Inc., and the Paramount Film Distributing Corp.

At the same time the court granted the defendant corporations 40 days after receiving the bills in which to file answers. The companies named have asked the U. S. for more definite information relative to the charges against them in connection with business dealings involving the Schine circuit.

1,291 Cuts Ordered By Ontario Censor

TORONTO, May 8.—A total of 1,291 cuts were made in 129 out of the 654 features examined by the Ontario censor board during the year ending March 31. No features were rejected. Seventeen deletions were made in 576 trailers, and 128 cuts in 10 of 284 newsreels. Only one of 199 shorts was revised. There were 86 revisions in 565 miscellaneous films.

Out of 2,278 films submitted to the board during the year, 1,915 were produced in the United States; 54 were from the United Kingdom; five were made in Canada and 304 were foreign in origin. Of the latter, 276 were imported from France, five from Italy, 13 were Jewish, and the remaining few were from Poland, China, Czechoslovakia and Russia. Films from the Continent, with the exception of French, have been under a total ban since the outbreak of war.

There was a decrease of 403 films in the number examined as compared with the previous year. It is understood this reduction was due largely to the campaign against foreign language and propaganda subjects.

Vancouver Houses Hit by Gasoline War

Vancouver, B. C., May 8.—Theatres of British Columbia are feeling the pinch of a gasoline "war" between the Provincial Government and major refiners and distributors. Attendance is down materially as private auto owners are unable to secure supplies of gas.

Toward the end of last week, major city theatres were finding a noticeable falling off in admissions. In Vancouver, the largest downtown house, Famous-Players' Orpheum, estimated considerable restriction in business. Ivan Ackery, manager, declared attendance was off about 15 per cent.

Sales Heads Cooperate In Conciliation

(Continued from page 1)

happened to bring the industry to a crisis, and we have had so many difficulties in every branch of the business that we have reached a saturation point.

"The general sales managers in shifting about from one company to another have striven to build up new records in their new affiliations and in doing so have built up a system of pernicious practices. Others have entered into the competition, thus pyramiding the pernicious practices. By now such a point has been reached that we believe they themselves would like to change these conditions.

"But if we change these conditions suddenly—wipe them all out in a year or so—we would have a complete production catastrophe."

Declaring that the I.T.O. of Northern Idaho, Washington and Alaska has officially authorized introduction before the convention of a resolution condemning double features and advocating a return to single bills, L. O. Lukan, trustee of the Conference, said he would lead the fight for adoption of the resolution.

"I have heard the theory advanced that double bills encourage independent production," said Lukan. "What does that mean—production of films for double bills or Class 'D' pictures?"

Lukan suggested that "an independent production company like the old First National, sponsored by independent exhibitors, might be the answer to producer oppression today."

Lukan cited his experience in signing all independent exhibitors in Seattle to a pledge to abolish double features which, he said, was blocked by the refusal of Fox West Coast to accede.

"Let us inform the producers," he said, "that we as a body prefer bigger but fewer pictures, extended playing time but greater opportunities for profit, showmanship and salesmanship for wastefulness and disregard for picture values, single bills instead of double bills."

Declaring that the independent exhibitor is "the forgotten man," Bruen quoted Will H. Hays as the authority for figures showing that 15,000 of the nation's 18,000 theatres are owned by independents and contribute two-thirds of the industry's revenue. He said that organization, rather than government regulation, is the method by which the industry's problems may be solved.

Kilgore to Memphis

Robert Kilgore, who started with Loew's as an usher in Memphis, will return to that city after an absence of 10 years as manager of the Palace, it was disclosed yesterday by Joseph R. Vogel, circuit executive. Loew's will take over operation of the Palace late this month. Kilgore is now managing the Bedford in Brooklyn.

Italian Film Opens

"Star of the Sea," Esperia Film release starring Galliano Masini, Metropolitan Opera tenor, has opened at the Cinecitta Theatre.

Peru Hits German Film Intervention

German intervention in film censorship in Latin American countries received an indirect rebuke from the Peruvian Senate which recently approved a communication to the Minister of Justice calling for "immediate cessation of all diplomatic intervention in the decisions of the Film Censorship Board," according to the *Christian Science Monitor*.

The rebuke, which took the form of a formal and unanimous vote, followed a debate generally critical of German diplomatic activity in Peru, according to the publication. The story said that among the pictures which either have been cut or held up by the Peruvian censorship board as a result of intervention by the German Minister are "Hero of the Marne," "Confessions of a Nazi Spy," "The Lion Has Wings," "All Quiet on the Western Front" and "The Road Back."

Grierson Expected From Australia Soon

MONTREAL, May 8.—John Grierson, Canadian Government Film Commissioner, is due back from Australia this month. Grierson has been "down under" for three months on the invitation of the Australian and New Zealand Governments, looking over the film setup, as he did a year and a half ago for Canada.

While in Australia, Grierson arranged with 20th Century-Fox to handle distribution of "Canada Carries On," series of 10-minute one-reelers being turned out monthly by the film board at Ottawa.

Intervene in Suit

NEW HAVEN, May 8.—Judge Cornell of the Superior Court has granted the Plaza Theatre Co. motion to intervene as defendant in the case of Lampert Theatre of Windsor, Inc., against Warners. Suit was brought by Lampert to restrain Warners from performance of its second-run contract with the Plaza.

Anna Sten Signed

HOLLYWOOD, May 8.—Anna Sten will try a screen comeback in the 20th Century-Fox film, "I Married a Nazi," for which she has been signed.

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MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



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	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Apr. 12	Man With Nine Lives (G-D) <i>Boris Karloff</i>	Dr. Kildare's Strange Case (D) <i>Lew Ayres</i> <i>L. Barrymore</i>	Covered Wagon Trails (O) <i>Sky Bandits</i> <i>(D)</i>	Dr. Cyclops (G-D) <i>Albert Dekker</i> <i>Janice Logan</i>	High-Yo Silver (G-O) <i>Young Buffalo Bill</i> (O)		Viva Cisco Kid (G-O) <i>Romero</i>	Rebecca (A-D) <i>Oliver</i> <i>Joan Fontaine</i>	Black Friday (G-D) <i>House of Seven Gables</i> (D)	King of the Lumberjacks (D) <i>John Payne</i> <i>Gloria Dickson</i>
Apr. 19	I Married Adventure (D) <i>Osa Johnson</i>	Two Girls on Broadway (G-C) <i>Turner-Blondell</i>	Tomboy (G-D) <i>Jackie Moran</i> <i>Pals of the Silver Sage</i> (O)	Light of the Western Stars (G-O) <i>Victor Jory</i> <i>Jo Ann Sayers</i>	Dark Command (D) <i>In Old Missouri</i> (G-M)	Abe Lincoln in Illinois (G-D) <i>R. Massey</i> <i>Ruth Gordon</i>	Johnny Apollo (G-D) <i>Tyrone Power</i>		Enemy Agent (G-D) <i>Cromwell-Vinson</i>	'Till We Meet Again (G-D) <i>Oberon-Brent</i>
Apr. 26	Doctor Takes a Wife (A-C) <i>Ray Milland</i>	Forty Little Mothers (A-C) <i>Eddie Cantor</i>	Mysterious Mr. Reeder (D) <i>Will Fyffe</i> <i>Kay Walsh</i>	French Without Tears (A-C) <i>Drew-Milland</i>	Covered Wagon Days (O) <i>Grandpa Goes to Town</i> (G-C)	Curtain Call (G-D) <i>Helen Vinson</i>	Shooting High (G-O) <i>Gene Autry</i>			An Angel from Texas (C) <i>Albert-R. Lane</i>
May 3	Block "K" Rides Tonight (O) <i>Bill Elliott</i>	20 Mule Team (G-D) <i>W. Berry</i> <i>Leo Carrillo</i>	Land of the Six Gun (O) <i>Jack Randall</i>	Buck Benny Rides Again (C) <i>Jack Benny</i>	Crooked Road (D) <i>Edmund Lowe</i> <i>Irene Hervey</i>	Irene (G-D) <i>Anna Neagle</i> <i>Ray Milland</i>	So This Is London (C) <i>George Sanders</i>	Saps at Sea (G-C) <i>Laurel-Hardy</i>	If I Had My Way (G-M) <i>Bing Crosby</i>	Tear Gas Squad (D) <i>John Payne</i> <i>Dennis Morgan</i>
May 10		Edison, the Man (D) <i>Spencer Tracy</i> <i>Rita Johnson</i>	Cowboy From Sundown (O) <i>Tex Ritter</i>	Opened by Mistake (G-C) <i>Charlie Ruggles</i> <i>Janice Logan</i>	Gauche Serenade (O) <i>Gene Autry</i> <i>Smiley Burnett</i>	Beyond Tomorrow (G-D) <i>Bowie Barnes</i>	I Was An Adventuress (G-D) <i>Zorina-Greene</i>		Ski Patrol (G-D) <i>Luli Deste</i> <i>Philip Dorn</i>	Saturday's Children (D) <i>John Garfield</i> <i>Ann Shirley</i>
May 17	Babies for Sale (D) <i>Glenn Ford</i> <i>R. Hudson</i>	Waterloo Bridge (D) <i>Robert Taylor</i> <i>Victor Leigh</i>		Typhoon (D) <i>Dorothy Lamour</i> <i>Robert Preston</i>	Gangs of Chicago (D) <i>Lloyd Nolan</i> <i>Lola Lane</i>	My Favorite Wife (D) <i>Dunne-Grant</i>	On Their Own (G-C) <i>Jones Family</i>	Turnabout (A-C) <i>Carolee Londs</i> <i>Adolph Menjou</i>	Alias the Deacon (G-C) <i>Bob Burns</i> <i>Mischka Auer</i>	Flight Angels (G-D) <i>V. Bruce</i> <i>R. Bellamy</i>
May 24	Isle of Doomed Men (D) <i>Texas</i> <i>Stagecoach</i> (O)		Kid From Santa Fe (O) <i>Jack Randall</i>	The Biscuit Eater (G-D) <i>Billy Lee</i> <i>C. Hickman</i>	Rocky Mountain Rangers (O) <i>3 Mesquiteers</i>	You Can't Fool Your Wife (C) <i>Lucille Ball</i> <i>J. Ellison</i>	Lillian Russell (M) <i>Don Ameche</i> <i>Alice Faye</i>	Our Town (D) <i>William Holden</i> <i>Martha Scott</i>	Hot Steel (D) <i>Richard Arlen</i> <i>Andy Devine</i>	Torrid Zone (D) <i>Cagney-O'Brien</i> <i>Ann Sheridan</i>
May 31	Lone Wolf Meets a Lady (D) <i>W. William</i> <i>Jean Muir</i>	Susan and God (D) <i>Fredric March</i> <i>Joan Crawford</i>	Riders from Nowhere (O) <i>Jack Randall</i>	Those Were the Days (C) <i>Wm. Holden</i> <i>B. Granville</i>		Bill of Divorcement (D) <i>Maureen O'Hara</i> <i>Adolph Menjou</i>	Marriage In Transit (C) <i>Robt. Sterling</i> <i>Joan Davis</i>		La Conga Nights (M) <i>Bad Man From Red Butte</i> (O)	Murder in the Air (D) <i>Ronald Reagan</i> <i>John Litel</i>
June 7	Passport to Alcatraz (D) <i>Jack Holt</i> <i>Noah Berry, Jr.</i>	Phantom Raiders (D) <i>Walter Pidgeon</i> <i>Florence Rice</i>		Hidden Gold (O) <i>William Boyd</i> <i>Russell Hayden</i>		Saint Takes Over (G-D) <i>Prairie Law</i> (O) <i>George O'Brien</i>	Earthbound (D) <i>Warner Baxter</i> <i>Andrea Leeds</i>		No Exit (D) <i>Wallace Ford</i> <i>Kathryn Adams</i>	Brother Orchid (D) <i>Ed. G. Robinson</i> <i>Bogart-Solihorn</i>
June 14	Girls of the Road (D) <i>Lola Lane</i> <i>Helen Mack</i>	The Mortal Storm (D) <i>M. Sullivan</i> <i>Jinny Stewart</i>	On the Spot (D) <i>Frankie Darro</i> <i>Mary Korman</i>	Safari (D) <i>Fairbanks, Jr.</i> <i>M. Carroll</i>		Tom Brown's School Days (D) <i>F. Bartholomew</i> <i>Sir C. Hardwicke</i>	Four Sons (D) <i>Don Ameche</i> <i>Alan Curtis</i>		Sandy Is a Lady (D) <i>Baby Sandy</i> <i>Nan Gray</i>	Fugitive from Justice (D) <i>Roger Pryor</i> <i>Lucile Fairbanks</i>
June 21		The Captain Is A Lady (D) <i>Virginia Grey</i> <i>Billie Burke</i>	Queen of the Yukon (O)	Way of All Flesh (D) <i>Tamiroff</i> <i>Gladys George</i>		Thousand Dollar Marriage (C) <i>Leon Errol</i>	Charlie Chan's Murder Cruise (D) <i>Sidney Toler</i>		I Can't Give You Anything But Love, Baby (M) <i>B. Crawford</i>	Gambling on the High Sea (D) <i>Wayne Morris</i>
June 28	Blondie Beware (C) <i>Return of Wild Bill</i> (O)	New Moon (M) <i>Nelson Eddy</i> <i>J. MacDonald</i>	Ridin' the Trail (O) <i>Fred Scott</i>	Queen of the Mob (D) <i>Ralph Bellamy</i> <i>Blanche Yurka</i>		Anne of Windy Poplars (D) <i>Anic Shirley</i> <i>Lucas Tins</i>	Lucky Cisco Kid (O) <i>Cesar Romero</i> <i>Pauline Porcchia</i>			All This and Heaven Too (D) <i>Bette Davis</i>

Short Subjects Reviews

"March of Time" (RKO)

Titled, "The Philippines, 1898-1946," this latest "March of Time" subject points up intelligently and with a certain dramatic force the big Pacific question mark of the next year in a war-ravaged world. Japan's aggressive and expensive effort to subvert China is seen as making more necessary than ever a new source of income such as the Dutch East Indies, nearby and undefended. The obstacle is the Philippines, scheduled to obtain independence from the U. S. in 1946, and now, under the leadership of Manuel Quezon, doubtful if it wants that independence, in view of the potential Japanese threat. The subject is extremely timely and well done. Running time, 19 mins.

"Design for Living" (Federal Housing—RKO Pathe)

Done handsomely in color, this housing subject stressed the practicability for the average small-salaried young couple of building a home of their own, with Federal assistance financially and in planning and construction. The "home of your own" desire in every one is the target of the subject's appeal, and it does an admirable job of making the step appear easy and most attractive. Running time, 9 mins.

"Aida" (Guaranteed)

This is another "Symphonic Featurette," produced by the National Philharmonic Symphony Orchestra, Inc., and distributed by Guaranteed Pictures. Under the direction of Frederick Feher, the orchestra of 122 pieces and chorus of 100 render, with sharp contrast between brass and strings, the "Triumphal March" aria from Verdi's "Aida." The short should appeal to music-lovers everywhere. Running time, 9 mins.

Building 3 Houses In K. C. Territory

KANSAS CITY, May 8.—Additional new theatres and remodeling work are planned in spite of the fact that for the most part grosses still are lagging behind the same period a year ago.

N. W. Huston, who owns the Liberty at Columbus, Kan., has started an open air theatre in Columbus. The project, in downtown Columbus, will seat 400 to 500. At Marion, Ill., Fox Midwest has completed plans for opening the new Plaza, 550 seats, about the middle of the month.

The Sosna, new 500-seat house at Mexico, Mo., is nearing completion, and is expected by its owners, Louis and Sam Sosna, to open this month. Nick Kotsis has begun remodeling the Oswego, Oswego, Kan. W. D. Fulton is finishing the installation of new seats and redecoration of the Strand, Kansas City suburban.

Reverts to Films Only

UTICA, N. Y., May 8.—The Colonial Theatre, operated by Morris Amusement Corp. of Boston, has reverted to pictures after a four-month trial with burlesque and vaudeville.

'Christian,' Barron Hit \$14,200, Buffalo

BUFFALO, May 8.—"The Courageous Dr. Christian" and Blue Barron's orchestra on the stage at the Twentieth Century drew a fine \$14,200. Next best was "Green Hell," dualied at the Lafayette, which drew \$8,500. "My Son, My Son," in a second run at the Hippodrome drew \$7,300.

Estimated takings for the week ending May 4:

"Johnny Apollo" (20th-Fox)
BUFFALO—(3,000) (30c-35c-55c) 7 days.
D'Artega & orch. in Lifting Tunes and Latin Tempos, New Yorkers, Gertrude Luzzi, Meyer Balsom & Vincent Gomez.
Gross: \$9,900. (Average, \$12,000)
"Dr. Cyclops" (Para.)
"Shooting High" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days.
Gross: \$7,000. (Average, \$7,500)
"My Son, My Son" (U. A.)
"Saps at Sea" (U. A.)
HIPPODROME—(2,500) (25c-35c) 7 days.
2nd run. Gross: \$7,300. (Average, \$6,800)
"The Courageous Dr. Christian" (RKO)
TWENTIETH CENTURY—(3,500) (30c-40c) 7 days. Blue Barron & orch., Johnny Woods, Billy Wells, The Four Fays, Three Blue Notes, Tito, Tiny Wolf, Russ Carlyle, Charlie Fischer & others on stage. Gross: \$14,200. (Average, \$7,500)
"Green Hell" (Univ.)
"Oh Johnny, How You Can Love!" (Univ.)
LAFAYETTE—(3,300) (25c-35c) 7 days.
Gross: \$8,500. (Average, \$6,300)

'Command' Draws \$15,000 in Detroit

DETROIT, May 8. — "The Doctor Takes a Wife" and "Dark Command" played to \$15,000 at the Fox while the Michigan garnered \$12,000 with "Til We Meet Again" and "The House Across the Bay."

Estimated takings for the week ending May 2:

"Johnny Apollo" (20th-Fox)
"Star Dust" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Road to Singapore" (Para.)
"Swiss Family Robinson" (RKO)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,000. (Average, \$7,000)
"The Doctor Takes a Wife" (Col.)
"Dark Command" (Rep.)
FOX—(5,000) (20c-55c) 7 days. Gross: \$15,000. (Average, \$15,000)
"Til We Meet Again" (W. B.)
"The House Across the Bay" (U. A.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$12,000. (Average, \$12,000)
"Dr. Ehrlich's Magic Bullet" (W. B.)
"Full Confession" (RKO)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$7,500. (Average, \$7,000)
"Pinocchio" (RKO)
"Millionaire Playboy" (RKO)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$8,000. (Average, \$10,000)

Ted Lewis \$12,000 Smash in St. Louis

ST. LOUIS, May 8.—Ted Lewis and his band got the revival of vaudeville here off to a good start with \$12,000 at the St. Louis, best gross in three years. The house was scaled to a 40-cent top.

Estimated takings for the week ending May 2:

"Til We Meet Again" (W. B.)
"French Without Tears" (Para.)
AMBASSADOR — (3,018) (25c-40c-55c) 7 days. Gross: \$9,500. (Average, \$11,500)
"The Dark Command" (Rep.)
"Star Dust" (20th-Fox)
FOX—(5,038) (25c-40c-55c) 8 days. Gross: \$7,500. (Average, 7 days, \$11,000)
"Young Tom Edison" (M-G-M)
"The Ghost Comes Home" (M-G-M)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$11,500. (Average, \$13,000)
"The Primrose Path" (RKO)
"Johnny Apollo" (20th-Fox)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,500. (Average, \$4,000)
"An Angel from Texas" (W. B.)
ST. LOUIS—(4,000) (30c-40c). On stage: Ted Lewis band with The Radio Aces, The Hackers, Dennis Sisters, Emily Adreon and Betty Jane Smith, and Charles "Snowball" Whittier. 7 days. Gross: \$12,000. (Average, 25c-35c scale, \$2,600)

Theatre Changes

Rebuild Schine Theatre

LAUREL, Del., May 8.—Schine's Waller Theatre, destroyed by fire several weeks ago with a loss of about \$25,000, will be rebuilt soon, according to R. H. Waller, former manager of the theatre and owner of the building.

Open Cleveland Drive-In

CLEVELAND, May 8.—The Drive-In Theatre on Cleveland's East Side has opened for its second season. Success of the enterprise has led to erection of a second automobile theatre on the West Side near the Municipal Airport.

Remodel Sacramento House

SACRAMENTO, Cal., May 8. — The Esquire has undergone complete interior remodelling and redecorating, including installation of new seats.

Frisco Theatre Assistant

SAN FRANCISCO, May 8. — Paul Brandeaux has been named assistant manager of the reopened Liberty, which is managed by H. M. Peterson.

Plan California House.

MERCED, Cal., May 8.—A new theatre will be opened here in May by the Rio Investment Co. of San Francisco, on completion of alterations.

Cincinnati Suburban Ready

CINCINNATI, May 8. — Jerome M. Jackson will open the new suburban Lookout shortly. He also operates the suburban Jackson here.

Curran Takes Theatre

SAN FRANCISCO, May 8.—Homer Curran, owner and operator of the Curran, downtown, has taken a long lease on the Alcazar, which has been closed several months. He will operate both houses.

Plan House at Pasco, Wash.

SPOKANE, Wash., May 8. — Construction of a new theatre, to cost about \$75,000, will be started within the next 30 days at Pasco, Wash., according to Frederick Mercy. It will seat 1,000 and be called the Roxy.

Rebuilds Arkansas House

HUNTSVILLE, Ark., May 8.—Carl Presley has completed reconstruction of the Madison here at a cost of about \$5,000. The new 500-seat house replaces a smaller one destroyed by a fire two months ago.

Takes Illinois Theatre

ST. LOUIS, May 8.—The Screenland Tavern on Film Row here has discontinued business and its owner, Joe Katz, has taken over the Grand Theatre in Benld, Ill.

Remodel Warner Theatre

PHILADELPHIA, May 8. — Warner's Strand, key neighborhood house in Germantown, will be entirely remodeled, both interior and exterior.

Chester, Pa., House Sold

CHESTER, Pa., May 8.—Rio Theatre, formerly owned by the Phillips Brothers, has been bought by Joseph B. Rickman.

FILM
DAILY SAYS

DARK COMMAND

"EXCITING...FINELY DIRECTED
... SURE B.O. IN ALL SITU-
ATIONS . . . In short, it's
a NATURAL."
RAOUL WALSH—Director

The story of

"The BLACK KNIGHT of KANSAS"
Handsome, Murderous, Cunning . . . a riotous
rogue who turned to banditry . . . because war
was to tame for him.

A Republic Picture

Coast Holding Active Pace; 48 Shooting

HOLLYWOOD, May 8.—With 10 pictures finished and 10 started, production remained at 48 films before the cameras, the same as last week's total. Twenty-nine are being prepared and 60 are being edited.

The tally by studios:

Columbia

Finished: "West of Abilene."

In Work: "Arizona," "Blondie No. 6," "The Howards of Virginia," "Five Little Peppers Abroad."

M-G-M

In Work: "Boom Town," "Phantom Raiders," "Strike Up the Band," "I Love You Again," "Old Lady 31," "Gold Rush Maisie," "To Own the World."

Started: "One Came Home."

Monogram

Finished: "Wild Horse Range."

Started: "Amateur Detective."

Paramount

Finished: "I Want a Divorce," "Three Men from Texas."

In Work: "North West Mounted Police," "A Night at Earl Carroll's," "Texas Rangers Ride Again," "Rangers of Fortune," "Dancing on a Dime."

Started: "Comin' Round the Mountain," "Mystery Raider."

RKO

Finished: "Anne of Windy Poplars," "Thousand Dollar Marriage."

In Work: "Lucky Partners," "Have It Your Own Way," "Millionaires in Prison," "Cross Country Romance," "Dreaming Out Loud," "Dr. Christian's Diet."

Republic

Finished: "Wagons Westward," "The Rocky Mountain Rangers."

In Work: "Grand Ole Opry," "Started: "Carson City Kid."

Roach

In Work: "Captain Caution."

Edward Small

In Work: "South of Pago Pago."

20th Century-Fox

Finished: "Streets of Memories."

In Work: "Four Sons," "Girl from Avenue A" (formerly "The Brat"), "Public Deb No. 1," "Brigham Young," "Pier 13."

Started: "The Return of Frank James," "I Married a Nazi."

Universal

Finished: "One of the Boston Bullets."

In Work: "The Boys from Syracuse."

Started: "Black Diamonds."

Wanger

In Work: "Foreign Correspondent," "The Long Voyage Home."

Warners

In Work: "The Life of Knute Rockne," "The Sentence," "Episode," "They Drive by Night," "No Time for Comedy."

Fight N. B. Child Ban

ST. JOHN, N. B., May 8.—The Allied Exhibitors Association here has started a drive to bring about the revision of the New Brunswick laws prohibiting unaccompanied children under 10 from attending films after 12 noon, and providing immediate arrest for any violation. There is little enforcement of the laws.

Critics' Quotes . . .

"MY SON, MY SON" (Small-United Artists)

Splendid and convincing performances . . . there's dramatic punch and sympathetic characterization in the screen version.—**Boston Daily Globe.**

Considerably revised from the Howard Spring novel . . . those unfamiliar with the book will probably find plenty of entertainment during the two hours of its unfolding.—**Boston Traveler.**

Though it isn't the novel by several chapters, it is an absorbing story, illustrated by skillful photography and the sensitive performances of Brian Aherne as William Essex and Laraine Day as Maeve O'Riorden.—**Boston Evening Transcript.**

A high-powered cast features the film . . . moves at a slow pace and is necessarily "talkie," but there are some very fine dramatic scenes to highlight the film.—**Boston Post.**

Does not come off nearly as well as had been hoped . . . emerges on the screen as a long drawn out and confused story, with the principal characters blurred and inconsistent and even the vital core of the drama poorly defined.—**Boston Herald.**

"PRIMROSE PATH" (RKO)

A moving revelation of a phase of life that isn't distinguished by pretentious . . . absorbing and at times amusing, even though the laughs which it provokes are not exactly of the lighthearted variety.—**Dorothy Guinan, Philadelphia Daily News.**

A remarkable achievement even for the pioneering, highly individual director . . . completely adult entertainment, with pity behind the laughter.—**Mildred Martin, Philadelphia Inquirer.**

Frank, forthright and honest . . . makes no bargains with the squeamish—nor should it offend them. . . Warm, earthly humor, bright naturalness and a deep tenderness pervade the production.—**Elsie Finn, Philadelphia Record.**

Decidedly adult and not for the prudish. . . Remarkably effective are La Cava's direction, the occasional musical background (a cheap player piano) and the settings.—**Laura Lee, Philadelphia Bulletin.**

Director Gregory La Cava dashed by the traffic lights on "Primrose Path" the day the Breen policemen forgot their whistles . . . strictly adult fare.—**Henry T. Murdock, Philadelphia Ledger.**

"TIL WE MEET AGAIN" (Warners)

When the long arm of coincidence stretches out to tangle with the long arm of the law you can expect exciting melodramatics. "Til We Meet Again" does not let you down . . . tells its tragic story so well you will find yourself absorbed and entertained.—**Laura Lee, Philadelphia Bulletin.**

It's a good plot, too, and the cast gives it every advantage. . . It's quite glib and sentimental—but it gets you.—**Philadelphia Ledger.**

To the handful of stories meriting exhumation must now be added "Til We Meet Again." . . Warner Brothers have lavished their hand-some resources upon the production.—**Philadelphia Inquirer.**

Of popular stuff—especially for the sentimental, is the dulcet tragic love story unfolded in "Til We Meet Again."—**Elsie Finn, Philadelphia Record.**

"IF I HAD MY WAY" (Universal)

It's made pleasing entertainment by the comedy, the music (more particularly the lyrics) and an ingratiating quality which seems to emanate from all departments, as well as the performing personnel.—**Edwin Schallert, Los Angeles Times.**

Not a great story. It is trite, conventional and far too long . . . the best part about the picture is Bing and his singing. No picture that has him is without entertainment.—**Louella O. Parsons, Los Angeles Examiner.**

Of Bing Crosby's 21 starring productions, I like the last one, "If I Had My Way," best of all . . . intimate, down-to-earth entertainment from start to finish.—**Jimmy Starr, Los Angeles Herald Express.**

"MY FAVORITE WIFE" (RKO)

Concocted in such a way as to yield enjoyment and laughter in largest measure for its audiences. Some of the laughs are very big indeed.—**Edwin Schallert, Los Angeles Times.**

The best of Leo McCarey, Garson Kanin and the Spewacks, to say nothing of Cary Grant and Irene Dunne. If there is any higher praise in the field of comedy I don't know what it is. . . There are more laughs per minute in this comedy than in anything since "The Awful Truth."—**Los Angeles Daily News.**

A riotously funny picture with never a lagging moment . . . a rogue of a picture, so sophisticated, sparkling, gay and so hilarious, it will make the worst grouch in all Kingdom Come forget he's mad.—**Louella O. Parsons, Los Angeles Examiner.**

If "My Favorite Wife" isn't your favorite comedy for this year, then I'll eat the entire film reel by reel.—**Jimmy Starr, Los Angeles Herald Express.**

"BUCK BENNY RIDES AGAIN" (Paramount)

Just a Jack Benny radio program minus Mary Livingstone (Mrs. Jack Benny), and Benny addicts should find it just as entertaining.—**Time.**

Mr. Benny is, as always, happy and at ease. He enjoys himself and you enjoy him. . . Settings are smart, photography is splendid, and the director does a neat job.—**Chicago Tribune.**

'Singapore' Gets \$12,000, Denver Best

DENVER, May 8.—"Road to Singapore" led with \$13,000 at the Denham in its second week. "It's a Date" and "Young As You Feel" scored \$4,500 at the Aladdin also in the second week.

Estimated takings for the week ending May 1:

"It's a Date" (Univ.)
"Young As You Feel" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$4,500. (Average, \$3,500)
"The Road to Singapore" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: \$13,000. (Average, \$6,000)
"My Son, My Son" (U. A.)
"High School" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$8,000)
"Abe Lincoln in Illinois" (RKO)
"Dr. Kildare's Strange Case" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$8,000)
"Star Dust" (20th-Fox)
"Half a Sinner" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,500. (Average, \$3,500)
"Rebecca" (U. A.)
"Framed" (Univ.)
RIALTO—(878) (25c-40c) 7 days, "Rebecca" 3rd week. Gross: \$2,000. (Average, \$1,750)

Lopez Band, 'Limit' \$12,000, Milwaukee

MILWAUKEE, May 8.—Vincent Lopez's orchestra and the film, "Outside the Three-Mile Limit," took \$12,000 at the Riverside. Second money, \$6,800, went to "Rebecca" in its second week at the Warner, dualed with "An Angel From Texas." Snowy weather slowed business.

Estimated takings for the week ending April 30-May 2:

"Of Mice and Men" (U. A.)
"Blondie on a Budget" (Col.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$4,800. (Average, \$4,000)
"Outside the Three-Mile Limit" (Col.)
RIVERSIDE—(2,700) (25c-35c-40c) 7 days. Stage: Vincent Lopez. Gross: \$12,000. (Average, \$6,500)
"Northwest Passage" (M-G-M)
"Too Many Husbands" (Col.)
STRAND—(1,400) (35c-40c-60c) 7 days. Gross: \$2,100. (Average, \$1,500)
"Rebecca" (U. A.)
"An Angel From Texas" (W.B.)
WARNER—(2,400) (25c-35c-50c) 7 days, 2nd week. Gross: \$6,800. (Average, \$4,500)
"Johnny Apollo" (20th-Fox)
"Star Dust" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$5,500)

'Primrose Path' Hits \$8,800 in Montreal

MONTREAL, May 8. — "Primrose Path" was the tops with a gross of \$8,800 at Loew's. "Johnny Apollo" took \$6,800 at the Palace while "Dr. Cyclops" and "French Without Tears" accounted for \$7,200 at the Capitol.

Estimated takings for the week ending May 3:

"Dr. Cyclops" (Para.)
"French Without Tears" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$7,200. (Average, \$8,000)
"Primrose Path" (RKO)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: \$8,800. (Average, \$8,000)
"Rebecca" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 6th week. Gross: \$2,500. (Average, \$5,000)
"Johnny Apollo" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$6,800. (Average, \$10,000)
"Congo Maisie" (M-G-M)
"Nick Carter—Master Detective"
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$3,800. (Average, \$5,000)

'Irene' Gets Good \$8,400, Seattle's Best

SEATTLE, May 8.—"Irene," aided by the personal appearance of Anna Neagle, took top honors with \$8,400. The second week of "Too Many Husbands" at the Liberty drew \$6,600. The weather was fair.

Estimated takings for the week ending May 3:

"Johnny Apollo" (20th-Fox)
 "Ma, He's Making Eyes at Me" (Univ.)
 BLUE MOUSE—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,300. (Average, \$4,000)
 "Irene" (RKO)
 FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, Anna Neagle in person. Gross: \$8,400. (Average, \$7,000)
 "Too Many Husbands" (Col.)
 "My Son Is Guilty" (Col.)
 LIBERTY—(1,800) (25c-40c-55c) 7 days, 2nd week. Gross: \$6,600. (Average, \$5,000)
 "It's a Date" (Univ.)
 "Millionaire Playboy" (RKO)
 MUSIC BOX—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,200. (Average, \$4,000)
 "Primrose Path" (RKO)
 "The Farmer's Daughter" (Para.)
 ORPHEUM—(2,450) (25c-40c) 7 days, 2nd week. Gross: \$5,200. (Average, \$6,000)
 "Dark Command" (Repub.)
 PALOMAR—(1,500) (25c-40c) 7 days. Vaudeville headed by Ondee Onette. Gross: \$6,000. (Average, \$5,000)
 "Forty Little Mothers" (M-G-M)
 "Courageous Dr. Christian" (RKO)
 PARAMOUNT—(3,050) (25c-40c) 4 days. Gross: \$3,000. (Average, \$6,000)

'Bay' Kansas City Lead with \$9,900

KANSAS CITY, May 8.—"The House Across the Bay" and "And One Was Beautiful" gave the Midland \$9,900, "Shooting High" and a stage show did \$6,500 at the Tower. The weather was cool.

Estimated takings for the week ending April 30-May 2:

Alias the Deacon" (Univ.)
 ESQUIRE—(800) (25c-40c) 5 days. Gross: \$1,700. (Average, 5 days, \$1,800)
 "House Across the Bay" (U. A.)
 "And One Was Beautiful" (M-G-M)
 MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$9,900. (Average, \$9,500)
 "It All Came True" (W. B.)
 NEWMAN—(1,900) (25c-40c) 8 days. Gross: \$7,500. (Average, 8 days, \$7,600)
 "A Bill of Divorcement" (RKO)
 "An Angel from Texas" (W. B.)
 ORPHEUM—(1,500) (25c-40c) 7 days. Gross: \$3,600. (Average, \$5,000)
 "Shooting High" (20th-Fox)
 TOWER—(2,200) (25c) 7 days. Stage: Radke Sisters, Whitey Roberts, Chester Dolphin. Gross: \$6,500. (Average, \$6,000)
 "Alias the Deacon" (Univ.)
 UPTOWN—(2,000) (25c-40c) 5 days. Gross: \$2,600. (Average, 5 days, \$2,800)

'Missouri,' Garber Indianapolis High

INDIANAPOLIS, May 8.—Jan Garber's orchestra on the stage and "In Old Missouri" on the screen led the town with \$10,600 at the Lyric. The weather was cold.

Estimated takings for the week ending May 3:

"Alias the Deacon" (Univ.)
 "Angel from Texas" (W. B.)
 CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$4,800. (Average, \$6,000)
 "Till We Meet Again" (W. B.)
 "King of the Lumberjacks" (W. B.)
 INDIANA—(3,200) (25c-40c) 7 days. Gross: \$5,000. (Average, \$5,000)
 "My Son, My Son" (U. A.)
 "Over the Moon" (U. A.)
 LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$7,000. (Average, \$7,000)
 "In Old Missouri" (Rep.)
 LYRIC—(2,000) (25c-40c) 7 days. Stage: Jan Garber's Orchestra, with Sibyl Bowan; Buster West & Lucille Page; Chick Gagnon. Gross: \$10,600. (Average, \$8,000)

Showmanship Flashes

Show 'Million B. C.' At Philadelphia Zoo

PHILADELPHIA, May 8.—Ed Calow, Warner Theatres publicity head here, previewed "One Million B. C." at the reptile house of the Philadelphia Zoo for the zoo's animal population. The press also was invited to interview the animals on their reactions to the picture, opening at the Stanton. A further tieup was made with WPEN's "Jungle Journal" broadcast from the zoo gardens, Phil Edwards, who handles the man-at-the-zoo commentaries, giving 22 tickets to the Stanton to those participating in his show, in return for picture plugs.

Radio Voice Features 'Doctor' Promotion

PHILADELPHIA, May 8.—Edward Rosenbaum, exploiter for the local Columbia exchange, is employing the "little man who wasn't there" technique for "The Doctor Takes a Wife" showings in Harrisburg, Pa., setting up a mysterious lobby voice that keeps asking, "Is there a doctor in the house?"

G.A.R. Dinner Aids 'Lincoln' Showing

BOSTON, May 8.—The Keith Memorial, in preparation for "Abe Lincoln in Illinois," recently gathered every G.A.R. veteran available, 15 in all, and had a get-together at the Hotel Bradford. After dinner, a private screening of the picture was shown for the veterans.

'Doctor' at \$7,000 In Providence Lull

PROVIDENCE, May 8.—Only house to go over average in a dull week was the Strand, which took \$7,000 with "The Doctor Takes a Wife" and "Emergency Squad."

Estimated takings for the week ending May 1-2:

"Abe Lincoln in Illinois" (RKO)
 "Slightly Honorable" (U. A.)
 RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: \$5,000. (Average, \$6,000)
 "The House Across the Bay" (U. A.)
 "And One Was Beautiful" (M-G-M)
 LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$9,500. (Average, \$11,000)
 "Johnny Apollo" (20th-Fox)
 "Half a Sinner" (Univ.)
 MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$6,300. (Average, \$7,000)
 "The Doctor Takes a Wife" (Col.)
 "Emergency Squad" (Para.)
 STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$7,000. (Average, \$6,000)
 "Forgotten Girls" (Rep.)
 FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Bob Howard, Large & Morgner, Evans' Birdland; the Six Rhythmettes. Gross: \$5,500. (Average, \$6,500)
 "It's a Date" (Univ.)
 "Ma, He's Making Eyes at Me" (Univ.)
 CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$2,100. (Average, \$3,500)
 "Three Cheers for the Irish" (W. B.) (3 days)
 "House of the Seven Gables" (Univ.) (3 days)
 "Virginia City" (W. B.) (4 days)
 "Millionaire Playboy" (RKO) (4 days)
 EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,400. (Average, \$1,700)

Australian Sales Drive

The RKO Australian sales force is conducting a sales drive, running for one month through June 1, to mark the seventh anniversary of Ralph Doyle's assuming the post of Australian managing director.

Student Exploiters Aid 'Lincoln' Run

PROVIDENCE, May 8.—George French and William Morton of the RKO Albee for "Abe Lincoln in Illinois" arranged a contest among the correspondents of high school newspapers. Morton, publicist, invited each paper to send two representatives to the theatre where he described advertising and exploitation work. Students then submitted their own ads and ballyhoo stunts, receiving passes as prizes.

Milking Contest Used For 'Farmer's Daughter'

SPOKANE, Wash., May 8.—A cow-milking contest for women on the stage of the Orpheum, three real cows in front of the theatre, a huge cardboard, electrically-operated cow by the box-office and bales of hay, harness and the like in the foyer, and a tie-up with a local dairy which distributed 8,000 bottle hangers, were features of an exploitation campaign conducted by Manager James Ewing for "The Farmer's Daughter."

'Small Sized' Girl Plugs 'Dr. Cyclops'

MIAMI, May 8.—As part of the promotion for Paramount's "Dr. Cyclops" at the Paramount, "a live girl reduced to 14 inches in height in a test tube" is on view in the lobby. The trick is done with mirrors, which decrease the size of a real girl standing in a giant test tube.

'Came True,' Show \$21,000, Cleveland

CLEVELAND, May 8.—"It All Came True" led the way here at the RKO Palace with \$21,000. The "Folies Des Femmes" was on the stage. "It's a Date" drew \$5,500 in its second week at the Allen.

Estimated takings for the week ending May 2:

"It's a Date" (Univ.)
 ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: \$5,500. (Average, \$4,000)
 "Til We Meet Again" (W. B.)
 WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$8,000. (Average, \$11,000)
 "It All Came True" (W. B.)
 RKO PALACE—(3,100) (30c-42c-55c) "Folies des Femmes" on stage, 7 days. Gross: \$21,000. (Average, \$13,500)
 "The House Across the Bay" (U. A.)
 LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$8,500. (Average, \$11,000)
 "Slightly Honorable" (U. A.)
 LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: \$2,500. (Average, \$4,000)

Rodeo Draws \$40,000

PITTSBURGH, May 8.—A gross of \$40,000 was reached at the sixth annual "world's championship" rodeo presented in the Gardens by the Harris Amusement Co., and featuring Gene Autry, Republic star, in his first personal appearance at a cowboy roundup.

Yorke Signs Palmer

Emerson Yorke, producer of "New Hampshire, the Ninth State," a color short subject, released by Columbia, has selected Solita Palmer, composer, to compose an original score for the film.

'My Son' Hits Fine \$12,200, Philadelphia

PHILADELPHIA, May 8.—"My Son, My Son," in the second week at the Aldine, grossed \$12,200 in a generally slow week. "Till We Meet Again" accounted for \$15,700 at the Fox.

Estimated takings for the week ending April 30-May 3:

"My Son, My Son" (U. A.)
 ALDINE—(1,700) (32c-42c-57c-68c) 2nd week, 7 days. Gross: \$12,200. (Average, \$8,000)
 "Dr. Kildare's Strange Case" (M-G-M)
 ARCADIA—(600) (32c-42c-57c) 2nd run, 7 days. Gross: \$3,000. (Average, \$2,600)
 "Rebecca" (U. A.)
 BOYD—(2,400) (32c-42c-57c-68c) 5th week, 7 days. Gross: \$15,100. (Average, \$13,000)
 "Ma! He's Making Eyes at Me" (Univ.)
 CARMAN—(2,500) (26c-32c-42c) 7 days, with vaudeville bill including Cass Daley, Helene Denzon, Paul Nolan, Ramano Brothers, Arthur LaFleur, and Kanazawa Four. Gross: \$6,400. (Average, \$5,200)
 "The Dark Command" (Rep.)
 EARLE—(4,600) (32c-42c-57c-68c) 7 days. Gross: \$11,700. (Average, \$14,000)
 "Ma! He's Making Eyes at Me" (Univ.)
 FAY'S—(2,000) (15c-25c-32c-40c-57c) 7 days with vaudeville bill including June St. Clair, Louise Stewart, Gypsy Nina, Stuart & Allen, Bob Russell, Val Setz, and Taylor, Thorn & Post. Gross: \$7,500. (Average, \$7,200)
 "Till We Meet Again" (W. B.)
 FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$15,700. (Average, \$13,000)
 "It All Came True" (W. B.)
 KARLTON—(1,000) (32c-42c-57c-68c) 2nd run, 7 days. Gross: \$4,200. (Average, \$3,000)
 "Pineocchio" (RKO)
 KEITH'S—(2,200) (32c-42c-57c-68c) 2nd run, 7 days. Gross: \$4,400. (Average, \$4,500)
 "Primrose Path" (RKO)
 STANLEY—(3,700) (32c-42c-57c-68c) 7 days. Gross: \$13,600. (Average, \$14,000)
 "One Million B.C." (U. A.)
 STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$7,800. (Average, \$4,500)

'Came True' Pulls \$9,000, New Haven

NEW HAVEN, May 8.—"It All Came True" and "The House Across the Bay" at the Roger Sherman drew \$9,000. The second week of "Johnny Apollo," dualed with "Star Dust" at the College, took \$2,900.

Estimated takings for the week ending May 2:

"Johnny Apollo" (20th-Fox)
 "Star Dust" (20th-Fox)
 COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$2,900. (Average, \$2,700)
 "Forty Little Mothers" (M-G-M)
 "And One Was Beautiful" (M-G-M)
 LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$5,500. (Average, \$8,000)
 "The Blue Bird" (20th-Fox)
 "Knights of the Range" (Para.)
 PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$3,800. (Average, \$4,000)
 "It All Came True" (W. B.)
 "The House Across the Bay" (U. A.)
 ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$9,000. (Average, \$5,000)

"Again' Hits \$4,600; Rest of Omaha Slow

OMAHA, May 8.—"Til We Meet Again" was good for \$4,600 at the Brandeis. Cool, rainy weather kept business down generally.

Estimated takings for the week ending May 1-2:

"Til We Meet Again" (W. B.)
 "Man With Nine Lives" (Col.)
 BRANDEIS—(1,300) (25c-35c-40c) 7 days. Gross: \$4,600. (Average, \$4,000)
 "It All Came True" (W. B.)
 "Sidewalks of London" (Para.)
 OMAHA—(2,200) (25c-40c) 7 days. Gross: \$6,100. (Average, \$6,000)
 "Dr. Cyclops" (Para.)
 "Invisible Man Returns" (Univ.)
 ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,800. (Average, \$7,200)

N.A.B. Opens First National Radio Festival

WASHINGTON, May 8.—Broadcasting's first nationwide radio festival got under way this week with inauguration of the National Association of Broadcasters program at Station WBIG, Greensboro, N. C.

With promises of cooperation from all sections of the country, N. A. B. officials expect the event to be highly successful. In some states the governors will issue proclamations giving official standing to the festival.

While the association has outlined the general program for the affair and has suggested it be celebrated during the week of June 3, details and actual dates have been left to the individual stations, the latter largely because of the varying times at which the schools of the country conclude their Spring terms.

Under the plan, the school children of the various communities will be given a "back-stage" view of the operations of a broadcasting station, in some instances being permitted to conduct programs. As part of the promotion of listener interest, stations in various localities will hold essay contests on "Why the American System of Broadcasting is Best" with prizes for the best essays, with the prize winning letters submitted to the N. A. B., which at the opening of the school term next year will give a \$100 prize for the best paper submitted.

Yates to Coast Soon On Republic's Plans

HOLLYWOOD, May 8.—Quarterly production plans for Republic will be set shortly, when Herbert J. Yates arrives from New York. He is expected to leave the East next week.

Yates also will select the next top budget picture, appoint a new casting director to succeed Harold Dodds, resigned, and set in motion the next quarter's production. Either "Hit Parade" or "The Lady from New Orleans" is expected to be the next top budget film. A new title is to be selected for "Doctors Don't Tell," a story of America's "dust bowl" and European refugees. John Wayne, Charles Coburn and Sigrid Gurie have the leads.

Educational Fight Decision Reserved

Decision was reserved yesterday by Federal Judge Edward A. Conger on the application by a number of creditors to vacate the appointment by Referee John E. Joyce of James A. Davidson as trustee of Educational Pictures, Inc.

Contesting creditors, led by Harry G. Fromberg, trustee of Grand National Pictures, contended before Judge Conger that Davidson was not the majority choice for trustee and that as a former employee of Educational he cannot serve as trustee.

Plottel RKO Manager

Leslie Plottel has been named RKO branch manager in St. John, N. B., by Ned Depinet, distribution vice-president. Plottel was promoted from Toronto.

Off the Antenna

A DECISION on commercialization of television may be forthcoming by the end of this week, it was said in Washington yesterday as F.C.C. officials were rushing consideration of testimony at last month's hearings and of the arguments in briefs filed last week.

White House interest in the avoidance of a monopoly in the new field is still keen, it was reported. President Roosevelt conferred with David Sarnoff, RCA president, and F.C.C. Chairman James L. Fly some time ago and is believed to have referred to RCA when he stated that he did not wish any one company to obtain a dominating position in television.

Personalities: Ezra Stone plans a three-week vacation trip through Florida, Cuba and Mexico preparatory to taking over the Jack Benny spot for Jello over the Summer. . . . Evelyn Wilson, formerly with the WOL script and continuity division, has joined the radio department of the Democratic National Committee. . . . Raymond Paige, conductor of "Musical Americana," has been selected to inaugurate the series of guest appearances of American conductors on the Major Bowes' "Family Hour" this Sunday.

NBC television will be on the air for seven days next week because of the switch to Summer schedules. Horse racing from Belmont Park will be featured on Monday and Saturday. The premiere of "Edison, the Man" will be the highlight during the afternoon and evening shows on Thursday. Film features include "The Lady in Scarlet," with Reginald Denny and Patricia Farr, on Monday; "The Last of the Mohicans," another episode in the serial, on Tuesday; "The Idaho Kid," with Rex Bell, on Wednesday; "Crisis in the Pacific," a "March of Time" reel, on Thursday; and "Blind Justice," with Eva Moore and John Stuart, on Friday.

Programs: With the addition of Westinghouse Electric & Manufacturing Co. as sponsor of the Saturday show, "Woman's Page of the Air," heard on WABC Mondays through Saturdays at 9:30 A.M., is now completely sponsored. . . . The same is true of Lisa Sergio's "Column of the Air" on WQXR, which has just sold the Monday and Wednesday show to Fels & Co. . . . WNYC will be the first station to produce "Two on a Trip," a dramatic series prepared by the National Park Service to stimulate travel in this country. The program will be heard Saturdays at 8 P.M. . . . Policyholders Advisory Council has signed a 52-week contract to sponsor George Hamilton Combs, Jr., in a news series over WHN on Mondays through Saturdays at 7:30 P.M.

Under the joint sponsorship of NBC and the University of Texas, the Educational Conference on Radio will consider on May 31 and June 1 the building, production and publicizing of public service and educational programs and the method of evaluation of such programs. The use of school broadcasts, and the production and marketing of recordings for schools and colleges will also be discussed. Station managers and public service directors of all affiliated NBC stations have been invited. Scheduled to speak are James R. Angell, NBC educational counsellor, Walter G. Preston, Jr., assistant to the vice-president in charge of programs, Franklin Dunham, educational director, and Homer P. Hainey, president of the University of Texas.

Film Players on the Air: Mary Boland, Francis Lederer, Rudy Vallee and Johnny Weissmuller will be guests on the "Texaco Star Theatre" over CBS on May 15. . . . Fidler and Weissmuller will be guests on Vallee's program over NBC-Red on the following night. . . . Dorothy Lamour and Reginald Denny will be heard on the broadcast of the Holland Tulip Festival from Holland, Mich., on May 18, over CBS. . . . Kay Francis and William Boyd will be on "Kraft Music Hall" over NBC-Red tonight at 9 P.M. . . . Elissa Landi spoke on "What's Wrong With the Theatre" over WNYC yesterday. . . . Loretta Young and Fred MacMurray will be heard on "Lux Radio Theatre" Monday night over CBS. . . . Clarence Nash, the screen voice of Walt Disney's "Donald Duck"; Florence Gill, who is "Clara Cluck"; Walter Catlett, "J. Worthington Foulfellow," and Cliff Edwards, "Jiminy Cricket," will be guests on "Tune-Up Time" over CBS Monday at 8 P. M.

CBS Dividend

A cash dividend of 45 cents on the Class A and Class B stock of \$2.50 par value was declared yesterday by the CBS board of directors. The dividend is payable June 7 to stockholders of record May 24.

Monogram Opens Branch

ALBANY, May 8.—Monogram has opened its new exchange here under Nate Sodikman, branch manager, who formerly worked out of Buffalo. Office manager and booker is Mitchell Pantzer.

RCA Becclouds Television Issue-DuMont

(Continued from page 1)

to the F.C.C. has been to maintain flexible standards instead of the rigid ones proposed by RCA and the Radio Manufacturers Association. Affiliates of Paramount Pictures in Chicago and Los Angeles have filed applications for television transmitting stations in their respective cities. We are eagerly awaiting the granting of these licenses so that we can demonstrate once and for all the superiority of flexible television.

Discusses Definition

"In its allegations that DuMont 15-frames-per-second will give image inferior to those of RCA's 30-frames-per-second, RCA has carefully avoided admitting that the DuMont system gives a 625-line definition against its own 441-line definition. Impartial scientists have agreed that line definition, so long as 15 or more frames are used, has more to do with the clarity of the image than the number of frames.

"This whole matter," Raibourn concluded, "is purely a technical one and not political or financial. The F.C.C. has made an intensive study of these basic technical problems and we feel certain that the final decisions will be made by the F.C.C. on the basis of technical merit."

Six Applications Pending

In addition to the application pending by Paramount affiliates in Chicago and Los Angeles, DuMont now has a license for its station in Passaic, N. J., a construction permit for a station in New York and two more applications pending for Washington and New York.

DuMont manufactures receivers capable of receiving images transmitted with from 441 to 881 line definition while RCA's sets receive only 44 lines, the standard now used by the NBC transmitter in New York. RCA contended in its brief that a receiver capable of receiving all types would result in poorer reception, but added that it was willing to manufacture such a set if the F.C.C. demanded it.

Form Three Companies

ALBANY, May 8.—Three picture companies chartered here include Cinema Trading, Inc., New York, by Irving Weissman, Louis Lovesky and Ethel Freedman; Playtime Productions, Inc., Buffalo, by F. E. Raughley, Vincent T. Ray and Charles H. Dwyer; Tibet, Inc., by P. F. Ringel, Marion Palmer and Florence Kates New York.

Musicians, Fair Sign

SAN FRANCISCO, May 8.—Clearing the way for booking of musical talent for the 1940 exposition here, a new contract has been signed between the fair's management and Musicians' Union Local 6. The deal calls for the fair regularly to employ 105 musicians.

Show Phonovision Today

The demonstration of Phonovision scheduled for yesterday at the Hotel Sherry-Netherland will be held today at the hotel.

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MOTION PICTURE DAILY

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VOL. 47. NO. 93

NEW YORK, U. S. A., FRIDAY, MAY 10, 1940

TEN CENTS

Theatre Pools Defended by Nate Blumberg

**Says 'U' Gets Preferred
Time at Will**

Nate J. Blumberg, Universal president, in a pre-trial examination in the Government anti-trust suit, yesterday defended theatre pooling and described pooling negotiations he conducted as RKO theatres head.

Pooling enables a company to "put the right pictures in the right houses," he asserted. Blumberg also said that Universal has no problem in obtaining preferred playtime for its films despite the fact it has no theatres.

Blumberg cited a number of cities in Minnesota where both RKO and Paramount found that there were too many theatres for the product available. In these instances, he said, by combining the theatres and reducing the number of first-run houses, losses were turned into profits.

Universal executives have never discussed the advisability of acquiring theatres while he has been president.
(Continued on page 5)

U.A. Staffs Gather For Meeting Here

United Artists Eastern and Canadian sales forces will gather here this weekend to attend the company's annual sales meeting, which opens Monday at the Waldorf-Astoria with Harry L. Gold, vice-president and Eastern general sales manager, presiding.

The New York session will be followed by a second three-day meeting at the Congress Hotel, Chicago, beginning May 17, with L. J. Schlaifer,
(Continued on page 6)

'U' Delegates Off to Atlantic City Tonight

Universal home office executives will leave from Pennsylvania Station at 6:20 P.M. today in a special train en route to the company's Eastern sales convention at the Ambassador Hotel in Atlantic City tomorrow, Sunday and Monday.

The group from New York will include: Nate Blumberg, president; J. Cheever Cowdin, board chairman; William A. Scully, general sales man-
(Continued on page 5)

Open Way to Probe Ickes Fees on Films

Washington, May 9.—A favorable report on the Ashurst resolution for investigation of the motion picture activities of the Interior Department, prompted by the recent action of Secretary Harold L. Ickes in imposing fees for the making of pictures on the public and Indian lands and in the national parks, was ordered today by the Senate Public Lands Committee.

Fair Depends On Amusement Area To Erase Deficit

With 40,000,000 paying customers required to liquidate a debt of about \$23,000,000, the New York World's Fair for 1940 will open tomorrow with the hope that the amusement area will erase the deficit. Attendance last year was 25,817,265.

Fair officials declared yesterday that the advance sale of 1,000,000 books of tickets at \$2.50 probably would sell out completely, although the final figures will not be available until today. The advance sale campaign lasted only six weeks this year but is expected to equal the three-month campaign of 1939 when approximately 800,000 combination tickets sold at \$3.50.
(Continued on page 6)

25% FILM CUT IF NEELY BILL PASSES

**Neely Bill Backers to
Shorten Testimony
For Early Vote**

WASHINGTON, May 9.—Supporters of the Neely block booking bill plan to meet the wishes of the House Interstate Commerce Commission by condensing testimony in the hope that the hearings opening Monday may be speedily concluded, affording time to get the measure to a House vote before adjournment.

Observers point out, however, that curtailment of speaking time would react to the disadvantage of opponents of the Neely bill. It was recalled that witnesses opposing the measure have been badly outnumbered by those urging the legislation at previous hearings. It was also pointed out that long hearings, making action on the bill impossible before Congress adjourns, would be a boon to the opposition, while proponents of the bill, if it dies this year, can make another try next session. The industry, on the other hand, is facing what may well be a final decision.

Allied States officials will meet here Saturday to frame their program, and Abram F. Myers, general counsel, has written to Charles C. Pettijohn, general counsel for the M.P.P.D.A., suggesting a meeting and the possibility
(Continued on page 6)

**Rodgers Outlines Metro
Opinion at Coast
Exhibitor Meet**

LOS ANGELES, May 9.—M-G-M will have to cut its product by 25 per cent if the Neely Bill is enacted, William F. Rodgers, general sales manager, said today in an address which highlighted the second day's session of the Pacific Coast Conference of Independent Theatre Owners at the Ambassador Hotel.

"A majority of those favoring the Neely bill do not have a dime at stake in this business," he said. His statement was greeted with a burst of applause.

"Our studio would have to cut its product 25 per cent if the Neely bill passed," he said. "We would have no 'Hardy's' and 'Kildare's,' for we could not afford to experiment with such pictures as we did. Moreover, I couldn't afford to send a salesman 1,200 miles or so to see one picture."

Rodgers opened his address by reviewing the negotiations of a year ago between exhibitors and distributors on a fair trade practice code and said that the mutual contact had made for better relations between the two industry groups. He commended the coast
(Continued on page 6)

Columbia Sets Two June Conventions

Two regional sales meetings will be held by Columbia in June, Abe Montague, general sales manager, announced yesterday.

The first will be held in Chicago, June 4, 5, 6 and 7, and the second at Atlantic City, June 11, 12, 13 and 14.

Montague will preside at both sessions and Jack Cohn, Columbia vice-president; Rube Jackter, assistant
(Continued on page 6)

CBS Television Cost Placed at \$1,350,000

WASHINGTON, May 9.—CBS financial participation in television research since 1936 has amounted to more than \$1,350,000, the network declared in briefs filed with the F.C.C. today. The payroll for engineers, program experts and others amounts to \$150,000 annually, CBS said.

Continuing activity in the improvement of screens has resulted in the
(Continued on page 6)

Selling the Bad News

LADIES AND GENTLEMEN: The management wishes to announce that it is in a lot of trouble. We'll try to put on a show for you, but it's going to be tough and we don't know how it's all going to come out. We've got lawsuits, some of our people are hard to handle, we've lost some business, costs are too high—

VOICE FROM THE AUDIENCE: To hell with your troubles! We came here to see a good show. What about it?

The public press recently has been crowded with utterances of leading industry personalities who have been busy voicing to the general public—the customers—grievances about the state of affairs.

David Selznick states that the industry is facing a crisis. Samuel Goldwyn declares that quality production can be maintained only if there is a revision of trade practices. Darryl Zanuck views with alarm the effect of lost foreign revenues upon production. Various executives, in the absence of any adequate preparation of the public mind, shout the bad news that admission prices will be higher.

These developments point with emphasis to the departure which has been made from the traditional ways of good showmanship. The public, obviously, is not constructively interested in the industry's troubles. It looks to the motion picture for diversion from its own troubles, relaxation and a good time.

Let's exploit the pictures and leave the troubles within the industry where they belong!—M. Q.

Women Get \$52,000 In Jewish Campaign

The Amusement Group of the Women's Division in the United Jewish Appeal has raised a total of \$52,000 for the 1940 Campaign. Mrs. Leo Spitz and Mrs. Hal Horne are co-chairmen of the group, which comprises women prominent in the motion picture and theatrical world.

A luncheon of the group yesterday at the Harmonie Club was attended by 175 members. Mrs. Spitz and Mrs. Horne presided, with Eddie Cantor as guest of honor. Sholem Asch, author, was among the speakers.

Among those attending were Mrs. Goodman Ace, Belle Baker, Mrs. Ben Bernie, Mrs. Jeff Bernie, Mrs. Herman Bernie, Ruby Keeler, Mrs. Barney Balaban, Mrs. Nate Blumberg, Mrs. Eddie Cantor, Mrs. Robert Crawford, Mrs. Herbert Fondheim, Mrs. Rose Gershwine, Mrs. Harry Gold, Mrs. Lou Holtz.

Also, Mrs. Leo Lindy, Mrs. Ted Lewis, Mrs. Irving Mansfield, Mrs. Ben Marden, Mrs. William Morris, Jr., Mrs. Arnold Rubin, Mrs. Leon Schinasi, Mrs. Murray Silverstone, Mrs. Harry M. Weiss, Mrs. Albert Wertheim, Mrs. Sholem Asch, Mrs. Charles Cohen, Mrs. Samuel Liebman.

Schmidt Is Publicity Manager for Metro

Art Schmidt has been named M-G-M publicity manager in New York by Howard Dietz, advertising and publicity director. Schmidt joins Si Seadler, advertising manager, and William Ferguson, exploitation manager. Howard Strickling heads Coast publicity, and Frank Whitbeck Coast advertising and exploitation.

Schmidt has been assistant to Oscar Doob, advertising and publicity head of Loew's Theatres, for six years. Prior to that he headed publicity for Publix-Michigan Theatres. He will start in his new post Monday.

Nazi Protests Film

SANTIAGO, CHILE, May 9. — The German Ambassador here, Baron Wilhelm von Schoen, has protested to the Foreign Office against the showing of the British film, "The Lion Has Wings." The protest was referred to the censor board.

Lindy's
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Personal Mention

NICHOLAS M. SCHENCK will return to New York this weekend, concluding his annual Florida sojourn.

SIDNEY R. KENT, WATTERSON ROTHACKER, WILL HAYS, TOM CONNORS, J. ROBERT RUBIN, SAM SHAIN, SAMUEL GOLDWYN, ABEL GREEN and LYNN FARNOL lunching at the Hotel Plaza Grill yesterday.

FRANK KENNEBECK, Paramount manager in India, will arrive in San Francisco on Monday and will remain in California to attend the company's annual sales convention at Los Angeles, May 26-29.

S. A. LYNCH and MRS. LYNCH are visiting with Mr. and Mrs. Y. FRANK FREEMAN in Hollywood prior to leaving for an extended vacation in Hawaii.

MORRIS STOLOFF, musical director for Columbia, will arrive from Hollywood on Monday with Mrs. STOLOFF for a brief vacation in New York.

GEORGE J. SCHAEFER, NED E. DEPINET and S. BARRET MCCORMICK will arrive from the Coast by plane this weekend.

DAVID O. SELZNICK and JOHN HAY WHITNEY returned yesterday from Rochester.

STANTON GRIFFIS, chairman of the Paramount executive committee, is expected back from the Coast on Monday.

JOSEPH McCONVILLE, ABE MONTAGUE, RUBE JACKTER, LOU WEINBERG, MAX WEISFELDT, L. J. SCHLAIFER, PAUL LAZARUS and TOM WALKER at Lindy's (next to the Rivoli) for lunch yesterday. HAL HORNE, WILLIE HOWARD, LOUIS BERNSTEIN, ALBERT HIRSCH and STANLEY FIELDS lunched at Lindy's (51st St.).

ARTHUR LEE leaves tonight for a week's vacation at his Canadian country home while his new office quarters at 1600 Broadway are being made ready.

E. J. MANNIX and IRVING ASHER have accommodations on the *Clipper* scheduled to leave for Europe on Sunday.

MEYER SCHINE is at the Waldorf-Astoria here to meet his family on their return from a Florida vacation.

FRANK BOUCHER, Washington district manager for the Schine Circuit, was in town yesterday.

SI H. FABIAN, accompanied by SID DENEAU of the Fabian Theatres, was a visitor in Albany.

44 Film Bills Before Congress, 1924-'40

A total of 44 bills and resolutions were introduced in Congress between 1924 and 1940 having to do with the regulation of production, distribution or exhibition of motion pictures or investigation of the industry, according to a compilation completed recently by the industry. None of the measures was passed.

Exchange Approves RKO's Stock Listing

New York Stock Exchange yesterday gave tentative approval for listing on the Exchange 2,753,053 shares of new RKO common stock and 128,170 shares of new preferred.

The approval by the Exchange of RKO's listing application is subject to later action by the Securities and Exchange Commission on a similar application to be filed by the company with the S. E. C. in the near future.

The Exchange's conditional approval includes RKO's application for future listing on notice of issuance of an additional 6,338,133 shares of common stock, which are provided for future conversions of preferred into common and the exercise of subscription warrants.

Actual listing of the new stock is not expected before June.

Van Leer to Blackstone

Arnold Van Leer, formerly of Arnold Van Leer Associates, has joined the Blackstone Co.

Johnston Denies Monogram Changes

HOLLYWOOD, May 9. — W. Ray Johnston, Monogram president, today denied reports that control of the company would pass to Pathe or that it had no money to continue production. Pathe, he said, own 17 per cent of the stock while Johnston and the franchise holders own 31 per cent. Pathe has three representatives on the board, with five representing the other interests.

Production plans will proceed as announced, said Johnston, with "Rip Van Winkle," big budget film, starting in June for September release. The domestic sales quota for the new season is \$9,225,000.

Johnston said that for each of the past five weeks, the eight-week advance playdate report has shown an increase.

Small, 'U' Titles Dispute Ends Even

Universal and Edward Small won a decision each from a board of three arbitrators who yesterday heard arguments on a dispute involving two titles registered by each company.

Complaints were filed with the M.P.P.D.A. title registration bureau by Small over Universal's titles, "Modern Monte Cristo" and "South to Karanga." Small complained that the first conflicted with his title, "Son of Monte Cristo," and the second with his title, "South of Pago Pago."

The arbitrators, to whom the dispute was submitted, ruled that Universal's "Monte Cristo" title did conflict but that the "Karanga" title did not.

Open Metro Loop Sessions Monday

The sales staffs of 10 Midwestern M-G-M exchanges will attend the company's second of four regional sales meetings, at the Drake Hotel in Chicago, Monday and Tuesday.

William F. Rodgers, general sales manager, will preside with Edward M. Saunders, Western sales head. Also from the home office will be: Howard Dietz, advertising and publicity director; Edwin W. Catton, Rodgers' assistant, and Joel Lindner, Saunders' assistant.

The exchange sales staffs will include:

Detroit: John E. Flynn, district manager; Frank J. Downey, branch manager; John F. Morgan, Harold Sandelman, Floyd W. Chrysler, Robert Bernstein.

Kansas City: Harris P. Wolfberg, district manager; Frank C. Hensler, branch manager; Albert L. Adler, Harold Cohen, Edward W. Green, Joseph W. Maguire, Truman B. Wildman.

Chicago: Walter E. Banford, branch manager; A. Jack Shumow, Henry W. Kahn, Max Schwartz, Julian H. Kind, John L. Kelley, Howard J. Beck.

Indianapolis: Wade W. Willman, branch manager; Jerome Adams, Timothy J. Cleary, Herbert A. Wagner.

From Milwaukee: Sam Shurman, branch manager; Sanford Gottlieb, Edward J. Lipson, David E. Ross.

Minneapolis: William H. Workman, branch manager; William P. Cameron, Louis H. Coen, Charles R. Stoflet, George W. Turner.

Denver: Henry A. Friedel, branch manager; Robert A. Cain, Daniel J. Foley.

Des Moines: Dexter C. Kennedy, branch manager; George M. Baumeister, Gerald E. McGlynn.

Omaha: Harry J. Shumow, branch manager; Charles Lieb, Carl F. Nedley, Fred C. Thorsen.

St. Louis: John X. Quinn, branch manager; Herbert J. Bennin, George F. Reilly, Ellis N. Shafton.

Skouras Brothers Meeting on Coast

LOS ANGELES, May 9. — Spyros Skouras, operating head of National Theatres, arrived here today, and George Skouras is due from New York tomorrow. They will confer with their third brother, Charles, head of Fox West Coast. Herman Wobber, 20th Century-Fox distribution head, is due here in 10 days to confer with them on product negotiations.

Rothacker in New York

Watterson Rothacker, Hollywood vice-president of Quigley Publications, arrived in New York yesterday for a short visit.

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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The picture
the world is
waiting for be-
cause in her
first screen
role since she
was the beau-



tiful Scarlett O'Hara, Vivien Leigh
again thrills in a film of emotional
fire and Robert Taylor gives his most
powerfully romantic performance.

"WATERLOO BRIDGE"

with Lucile Watson, Virginia Field, Maria Ouspenskaya, C. Aubrey Smith • A Mervyn LeRoy Production • Screen Play by S. N. Behrman, Hans Rameau and George Froeschel • Based on the play "Waterloo Bridge" by Robert E. Sherwood
A METRO-GOLDWYN-MAYER PICTURE • Directed by MERVYN LeROY • Produced by SIDNEY FRANKLIN

'U' Delegates Off to Atlantic City Tonight

(Continued from page 1)

ager; Cliff Work, vice-president in charge of the studio; F. J. A. McCarthy, Eastern sales manager; William J. Heineman, Western sales manager; Joseph Seidelman, vice-president in charge of foreign affairs; John E. Joseph, director of advertising and publicity; Leo Abrams, short subject sale manager; Louis Pollock, Eastern advertising manager; Morris Alin, O. C. Binder, James Jordan, Charles Kirby, Hank Linet, Clarence Margon, James Miller, F. T. Murray, Adolph Schimel, Andy Sharick and Herman Stern; also the exchange groups from Albany, Boston, New Haven and the New York exchange.

Scully will welcome the delegates Saturday morning, with a review of the past year, featuring talks in the morning and afternoon, by Blumberg, Scully, McCarthy, Jordan, Abrams, Murray, Seidelman and Joseph. Scully will announce the new season's product on Sunday morning, followed by addresses from Cliff Work and Jack Skirball. Discussion of sales policies will occupy the afternoon.

Group conferences of district and branch managers with their staffs will be held Monday. The New York group will return Monday evening, leaving next Thursday for the Chicago meeting May 18.

Blumberg Defends Theatre Poolings

(Continued from page 1)

he said. On the advice of his attorney, Edward C. Raftery, Blumberg refused to say whether he considered it advantageous for Universal to acquire theatres.

Blumberg insisted that RKO houses had used a considerable number of independent films while he was head of the circuit. Among those were Republic, Monogram and British Gaumont, he said.

Asked whether he had ever discussed the production policies of RKO, he said, "They wouldn't even let me in the studio." Moreover, there was considerable "friction" between the theatre and distribution departments because the latter felt that it was not receiving sufficient revenue from the theatres, he declared.

Universal does not bracket its pictures until they have been tested in trial runs, Blumberg said.

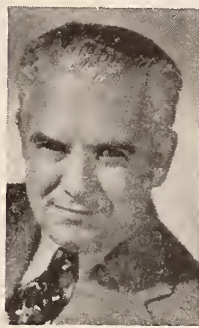
'Rebecca' Six-Week Gross \$565,000

During its six-week run at the Music Hall, "Rebecca" grossed an estimated \$565,000, including an estimated \$71,000 for its final week. "My Son, My Son!" opened there yesterday. "Saturday's Children," with Guy Lombardo's band on the stage, grossed an estimated \$35,000 at the Strand and is held over. At the Roxy, "Star Dust" drew an estimated \$29,000 and "Dark Command" bows there today. "Twenty Mule Team" opened at the Capitol yesterday, after an estimated \$20,000 for the second week of "Strange Cargo."

Home Office, Studio Universal Executives



J. C. COWDIN
Chairman of Board



N. J. BLUMBERG
President of Universal



W. A. SCULLY
General Sales Manager



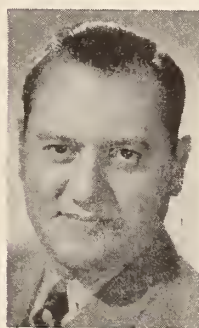
CLIFFORD WORK
Vice-President Production



MATTHEW FOX
Assistant to President



F. J. MCCARTHY
Eastern Sales Manager



W. J. HEINEMAN
Western Sales Manager



J. H. SEIDELMAN
Vice-President Foreign



JOHN JOSEPH
Director Publicity and Advertising



LOUIS POLLOCK
Advertising Head in East

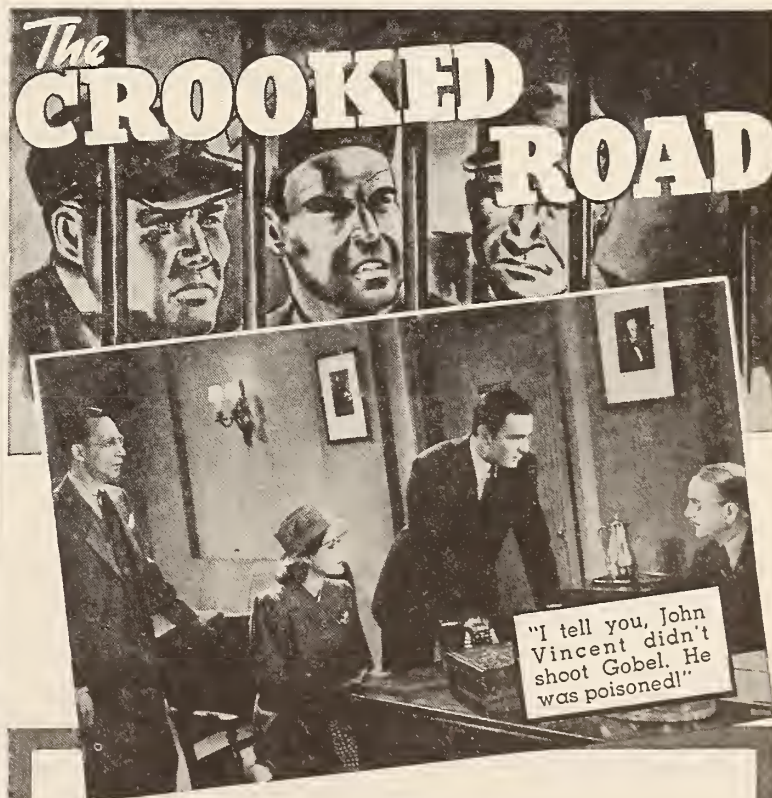
Murdered Scientist In 1st Documentary

The cold-blooded murder Tuesday night at his Westfield, Mass., home of Prof. Lewis B. Allyn, famous research food chemist, with overtones of sheer melodrama, recalled to Hal Hode of Columbia that Allyn made his first and last screen appearance in the industry's first documentary film, "Poison," in 1915.

It is reported that Prof. Allyn had been threatened because of his refusal to disclose to "a European power" a secret formula for a concentrated food. Back in 1913, '14 and '15 there was considerable outcry over adulterated foods. Hode, working for Kalem, sold the expert on the idea of appearing in a two-reeler on the subject, which was produced by Kalem in cooperation with Ladies' World.

200 Chicagoans at Dinner for Harrison

CHICAGO, May 9.—Two hundred persons attended a testimonial dinner at the Congress Hotel here tonight for Tippy Harrison, veteran exhibitor, who is retiring from the business. Jack Miller was toastmaster and Jack Kirsch, president of Illinois Allied, the principal speaker. Other speakers were Clyde Eckhardt, Julien Goodman and Lou Harrison.



with
EDMUND LOWE • IRENE HERVEY
HENRY WILCOXON • PAUL FIX

Directed by Phil Rosen
A REPUBLIC PICTURE

U.A. Staffs Gather For Meeting Here

(Continued from page 1)

vice-president and Western general sales manager, in charge.

Among the company executives who will attend the New York convention are Maurice Silverstone, chief executive; Schlaifer; Harry D. Buckley, vice-president in charge of corporate affairs; Arthur W. Kelly, vice-president in charge of foreign distribution; Paul N. Lazarus, contract manager; Charles Stern, Eastern district manager; Bert M. Stearn, Middle-Western district manager; David Prince, Southern district manager; Haskell M. Masters, Canadian district manager, and Moe Streimer, special home office representative.

Also, Lynn Farnol, Monroe W. Greenthal, Albert Margolies, Sam Cohen, Arthur Silverstone, H. J. Muller, Charles M. Steele, N. A. Thompson, Walter Gould, T. P. Mulrooney, Len Daly, Phil Dow, Seymour Poe, S. W. McGrath, Jack Wrege, George Roth, Abe Dickstein, Robert Hilton, Earl J. Denison, Robert Goldfarb and R. G. Sidley.

Among the producers' representatives who will be present are: James A. Mulvey, vice-president and Eastern representative for Samuel Goldwyn; Emanuel Silverstone, Alexander Korda, representative; Lowell V. Calvert, Eastern representative for David O. Selznick; Harry Kosiner, Eastern representative for Walter Wanger; J. J. Milstein, Eastern representative for Edward Small; Thomas Walker, vice-president and Eastern representative for Hal Roach.

United Artists men in the field who will attend the New York convention are:

Atlanta—T. L. Davis, branch manager; R. J. Barnes, L. E. Dunn and William Shiell.

Boston—John Dervin, branch manager; George Hager, Joseph Cronan, Herb Schaefer and Nate Ross.

Buffalo—Syd Lehman, branch manager; Mat Sullivan and Joe Kaliski.

Charlotte—Jay Schrader, branch manager; R. M. Boovy and H. D. Hearn.

Cincinnati—H. Dudelson, branch manager; J. Hendel, I. Sochin and J. Finberg.

Cleveland—Mat Goodnan, branch manager; Lou Gieger, Nat Levine and Dick Miller.

Dallas—Hugh Owen, branch manager; T. L. Barber, B. C. Gibson, A. J. Del Cambre and T. E. Laird.

Indianapolis—Dick Frank, branch manager; E. V. Donnelly, M. M. Krueger and E. R. Golden.

New Haven—Lou C. Wechsler and Lew Ginsburg.

New Orleans—C. E. Peppiatt, E. P. Murphy and Milton Dureau.

New York—Clarence Eisman, Nat Beier, Dave Burkan, Sam Rifkin, Sam Stern, Lawrence Brown, Harold Sugarman, Arthur Weinberger, Ed Mullen, Herb Richek, Ben Levine and Tony Agolia.

Philadelphia—Harry Bodkin, Morton Magill, Saul Krugman and Horace Wright.

Pittsburgh—Abe Weiner, Harry Rees, William Scott and James Nash.

Washington—Fred Rohrs, Mark Silver, Fred Sandy and Dick Harrity.

Toronto—Sam Glazer, Dave Axler and Pete Myers.

Calgary—A. Feinstein.

Montreal—A. J. Jeffery.

St. John—Charles Chaplin.

Vancouver—Sam Nagler.

Winnipeg—Dave Griesdorf and Victor Rackow.

John Long Killed

ROCHESTER, May 9.—John J. Long, Jr., technical supervisor of WHAM here, was killed early today when the car in which he was riding with Robert Hemings, radio pianist, crashed into a steel post. Hemings was seriously injured.

25% Film Cut if Neely Bill Passes, Rodgers Tells I.T.O.

(Continued from page 1)

exhibitor units on their own conciliation plan and said: "Whatever means you adopt to better trade relations, our company will be glad to cooperate with you on either conciliation or arbitration."

Rodgers cited the distressed conditions in the industry due to the European war but said that these conditions point only to a strengthening of M-G-M product.

"We now spend more than at any time in the history of our company on our product and to pare costs at this time is impossible. We know that if we have the attractions the public will want to see them, as is the case with 'Gone With the Wind.' On that film, if our offer of a profit guarantee is taken advantage of, exhibitors could make more profit than on the biggest of the big pictures."

Taking exception to Rodgers' previous remarks that distributors' attempts to solve industry problems had collapsed because of the lack of representative national exhibitor organization, Ed Kuykendall, president of the M.P.T.O.A., said his organization had been available and anxious for this type of cooperation for the last five years. Deploing the Department of Justice sabotage of the proposed code, Kuykendall said that the Government suits will cause embarrassment for all concerned. He questioned the benefits to be derived by the industry from the film coin machines and described non-theatrical films as a growing menace.

A resolution sponsored by I.T.O. of Oregon was introduced at the morn-

ing session condemning James Roosevelt's "nickel-in-the-slot-movies" as unfair competition. Action on this and resolutions for the elimination of double features and to commend the trade press for "recognized service" to exhibitor organizations will be taken tomorrow.

L. O. Lukan, convention co-chairman, extended an invitation to hold the next Conference convention in Seattle. William Ripley, Conference trustee from Washington, assailed Government meddling in business, charging that the Government "wants to establish some sort of regulation of our industry." The solution, he said, lies in distributors, exhibitors and producers working together to adjust problems.

A wire from Samuel Goldwyn, now in New York, was read in which he urged the convention to oppose double features. J. M. Hope of Washington and Bob White of Oregon were among today's speakers. The convention will decide on representation at the Neely bill hearings.

Y. Frank Freeman, president of the Association of M. P. Producers, opened the speaking portion of the dinner dance this evening at the Ambassador. Present were about 500 guests representing all industry branches, including some players.

Others who spoke, mostly in a humorous vein, included Jack Warner, S. Charles Einfeld, Jesse L. Lasky, Edmund Grainger, Walter Wanger, Charles Skouras, Jack Gross and Kuykendall.

Columbia Sets Two June Conventions

(Continued from page 1)

sales manager; Louis Astor and Louis Weinberg, circuit sales supervisors, and Max Weisfeldt, short subjects sales supervisor, all of the home office, will attend both meetings.

Phil Dumas, Midwest division manager; Carl Shalit, Central division manager, and Jerome Safran, Western division manager, will head the delegates to the Chicago meeting.

Nat Cohn, New York division manager; Sam Galanty, Mid-East division manager, and Sam Moscow, Southern division manager, will head the delegates to the Atlantic City meeting.

Branch managers and salesmen will attend the following exchanges will attend the first session: Chicago, Des Moines, Milwaukee, Minneapolis, Omaha, Detroit, Indianapolis, Kansas City, St. Louis, Los Angeles, Denver, Portland, Salt Lake City, Seattle and San Francisco. The second meeting will be attended by branch managers and salesmen from Albany, Boston, Buffalo, New Haven, New York, Philadelphia, Cincinnati, Cleveland, Pittsburgh, Washington, Atlanta, Charlotte, Dallas, Memphis, Oklahoma City and New Orleans.

Schless Due May 27

Robert Schless, Warner managing director in Europe, arrives in Rome from Paris today and will sail from Genoa May 18 on the *Washington*, scheduled to arrive here May 27.

CBS Television Cost Placed at \$1,350,000

(Continued from page 1)

elimination of flicker, even in 15 frame-per-second transmission, the Allen B. DuMont Laboratories declared in its brief. RCA has failed to show why 441-line, 30-frame transmission is superior, the brief said. The fact that there is a patent interrelationship between RCA and Germany, France, Italy, Russia and other foreign countries, all of which have adopted RCA standards, "cannot be a coincidence," it was said.

The brief asserted that the Government and not commercial interests should fix standards. A memorandum on Paramount's interest in the company, pointed out that control is shared equally between DuMont officials and Paramount.

Cameraman Killed

HOLLYWOOD, May 9.—Marshall McCarroll, 35, Paramount News ace cameraman, was killed with two others today in a plane collision at Vultee Aircraft landing field near here. The mishap occurred in landing after McCarroll had completed an air assignment. He was with Paramount 10 years.

John Daniel Killed

ATLANTA, May 9.—John H. Daniel, 52, Rialto projectionist, was killed instantly and his wife seriously injured when their automobile crashed into a telephone pole on the Roosevelt Highway.

Sarnoff Foresees Tiny Radio Phones

Rochester, May 9.—Pocket-size radio telephones may be a development in the ultra-high frequencies, David Sarnoff, RCA president, declared today at the University of Rochester's "New Frontiers in American Life." He said: "Using pocket-size apparatus, we may be able to call up and converse with distant friends, any time, any place."

Fair Depends On Amusement Area

(Continued from page 1)

Besides a number of automobile giveaways, which will be started with the opening, the Fair will announce similar contests and giveaways from time to time. Exhibitors, too, are encouraged to start contests.

Gates will be opened at 10 A.M. tomorrow, with official ceremonies starting an hour later. Festivities will continue without interruption for 15 hours to closing at 2 A.M. National networks and local stations will cover the event.

At 8:30 P.M., a parade led by Helen Hayes, Mary Pickford, Amos 'n' Andy, and Wallace Beery with his 20 Mule Team will start from the Court of Peace for the amusement area. A giant fireworks display will start at 9:45 and upon its conclusion the winner of the automobile in the key contest will be named. At midnight, six more automobiles will be given away for the limerick contest.

Amusement Area features will include Billy Rose's "Aquacade"; the Fair's own show, "American Jubilee"; Michael Todd's "Streets of Paris" and three shows in Todd's "Gay New Orleans" concession, "Cotton Up," "Sazarac" and "Mardi Gras Frolic."

Television will be featured at the exhibits of RCA, General Electric and Westinghouse.

Neely Testimony To Be Shortened

(Continued from page 1)

ties of an agreement on the limitation of testimony.

In the effort to reduce the hearing time, Chairman Clarence F. Lea has promised that those who forego an appearance will be permitted to file written statements and that they will receive consideration.

It is fairly certain that Neely Bill proponents will open their arguments for the measure on Monday with representatives of the Motion Picture Research Council and Allied organizations speaking first. Among those who will appear early in the hearings are Henry R. Atkinson, Stephen Cabot, Mrs. Mary Bannerman, Miss Katherine Lyford, with H. A. Cole, Sidney Samuelson, Nathan Yamins and Myers representing Allied.

The opponents of the measure probably will not complete their list of speakers until the testimony in favor of the bill is well advanced in order that they may be aware of the nature of arguments presented, and select their witnesses accordingly.

Alert,
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and
Indispensable
to the Motion
Picture
Industry

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First in
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Brief,
Accurate
and
Impartial

VOL. 47. NO. 94

NEW YORK, U. S. A., MONDAY, MAY 13, 1940

TEN CENTS

U To Release 45 Features Next Season

Plans 14 Westerns, 56 Shorts in Addition

ATLANTIC CITY, May 12.—Universal will release 45 features and 14 action pictures during the new season, an increase of nine features over the current season, William A. Scully, Universal vice-president and general sales manager, informed the company's eastern sales forces in convention at the Ambassador Hotel here today.

Scully told the meeting, the first of two regionals being held by Universal this season, that the larger schedule was decided upon to offset the company's diminishing foreign returns.

"We will produce not only more pictures than we did last season, but definitely more top-budget pictures," Scully said. "Our star list is the most brilliant in Universal's history. It is our belief that the only way to combat our smaller foreign grosses is to produce for American exhibitors

(Continued on page 6)

Says Loew's Circuit Acts Independently

Loew's theatre department makes no distinction between M-G-M and other film companies in purchasing product, Charles Moskowitz, Loew's New York metropolitan theatre head, told U. S. Attorney John F. Clagett on Friday.

Nicholas M. Schenck, president of Loew's, will probably testify this week, attorneys said. Moskowitz completed his pre-trial examination in the Government's anti-trust suit after being questioned two hours.

Moskowitz said he faced the same

(Continued on page 6)

U. A. Is Expected To Announce 30

Murray Silverstone, United Artists chief executive, will disclose the company's new season product lineup at the Eastern and Canadian sales convention which opens at the Waldorf-Astoria here this morning for three days. The program will probably be about 30 pictures.

Harry L. Gold, vice-president and Eastern general sales manager, will preside at the three-day meeting. A

(Continued on page 4)

War Cancels Metro Survey of England

M-G-M's British production plans will be held in abeyance as a result of the extension of the war to Belgium and Holland. E. J. Mannix and Irving Asher, who have been here awaiting Clipper accommodations to study British production possibilities, have cancelled their plans and are returning to the Coast.

Asher returned Friday and Mannix will follow in a day or two. Prior to the change of plans, Mannix collected a Loew bon voyage party at Dinty Moore's on Friday.

Industry Faces Loss of Belgium, Holland Markets

Extension of the European war to Belgium and the Netherlands threatens the total loss of both markets, home office foreign department executives conceded over the weekend.

The two markets together represent about three per cent of foreign revenue, or approximately \$2,500,000. Foreign departments pointed out that both markets are still open and pending further German penetration are likely to remain so. For the time being at least there will be no complete shutdown as in Denmark and Norway.

Film shipments to the Netherlands are made from London and those to Belgium from Paris. Therefore, either could be shut off on short notice in the event the situation becomes more serious.

The most serious implication of the

(Continued on page 7)

Gain of \$9,618,330 In Working Capital Reported by RKO

RKO increased its working capital by \$9,618,330 with its emergence from reorganization at the beginning of the year, according to information filed by the company with the New York Stock Exchange in connection with the new RKO stock listing applications.

The pro-forma consolidated balance sheet giving effect to the RKO plan of reorganization shows current assets of the new company as \$20,976,613, of which \$8,398,844 is cash. Current liabilities as of Jan. 1 are \$5,845,234, leaving working capital of \$15,131,379.

Just prior to the reorganization, RKO had current assets of \$19,649,469 and current liabilities of \$14,136,420, leaving working capital of \$5,513,049.

RKO has a 50 per cent or greater interest in 113 theatres. Of these, 49 are wholly owned, 10 are constructed on leased land and 54 are leased from others, according to the company's

(Continued on page 6)

U.S. to Set Coast Wage-Hour Status

WASHINGTON, May 12.—First steps to make a definite determination of employees in the production branch of the film industry who are exempt from the hour provisions of the wage-hour law as executives or professionals were announced over the weekend by Administrator Philip B. Fleming.

Col. Fleming disclosed that Eldred M. Cocking, assistant director of personnel of the Labor Department, has been transferred to the Wage-Hour Administration and has been ordered to Hollywood to make a first-hand study of the duties and responsi-

(Continued on page 6)

Authorize American Distributors To Take Out 50% Australia Funds

Sydney, May 12.—American distributors were authorized to withdraw 50 per cent of their total Australian revenue during the 12 months ended last June 30, under the monetary agreement concluded with the Australian Government yesterday.

American companies' proposals for withdrawal of 75 per cent of their revenue were rejected.

The new agreement is retroactive to last March 1 and runs to April 1, 1941. As in the case of the monetary agreement with Great Britain, the American distributors will be permitted to withdraw up to 75 per cent of the lump sum authorized for remittance during the first half of the agreement.

The amount to be withdrawn by individual companies must be computed by agreement among the American distributors. The Australian Government is designating the total amount to be withdrawn as a lump sum equal to the total business of the American companies for the period designated. It is estimated that the amount will approximate \$4,500,000.

Seek Method For Speeding Neely Hearing

Pettijohn, Myers Confer On Limiting Speakers

WASHINGTON, May 12.—Charles C. Pettijohn, general counsel of the M.P.P.D.A., and Abram F. Myers, general counsel of Allied States, conferred here today on the procedure for presenting testimony on the Neely block booking bill, hearings on which will begin tomorrow before the House Interstate Commerce Committee.

The conference was held in accordance with a request by Chairman Clarence F. Lea of the House Committee that the representatives of the opposing sides make some effort to agree on the number of speakers and the time to be allotted to each.

Foreseeing interminable hearings, Representative Lea sent identical letters to Pettijohn and Myers urging them to plan as concise a program of their cases "as is consistent with proper presentation."

Some progress toward this end was made as a result of today's conferences and telephone conversations between Myers and Pettijohn in advance of the

(Continued on page 7)

Reach Settlement In Vineland Suit

PHILADELPHIA, May 12.—The Mori-Landis Theatre anti-trust suit against Warners Theatres here and the major distributors, scheduled to have come up Friday for final hearing before Judge William H. Kirkpatrick in Federal Court, was settled out of court.

State Senator Harry Shapiro and William B. Rudenko, attorneys for the Vineland, N. J., theatre and Morris Wolf, counsel for Warners, effected the settlement. The attorneys

(Continued on page 4)

Six Western States Adopt Conciliation

LOS ANGELES, May 12.—Independent exhibitors of six western states will settle their trade problems by conciliation, as a result of the closing action Friday of the convention of the Pacific Coast Conference of the Independent Theatre Owners here.

The 277 exhibitor delegates representing 1,250 theatres in the West and Alaska empowered the organization's

(Continued on page 4)

Weigh Use of Films In Schools of N. Y.

New York's Board of Education tomorrow is expected to consider the recommendation of the Board of Superintendents that sound films be used in the city's school system as a teaching aid. It was proposed that films be treated as textbooks, with a special committee handling selections.

The recommendation followed a five-year study of the subject.

Doob Realigns Loew Publicity Personnel

Oscar A. Doob, Loew's theatres director of advertising and publicity, has made several shifts in his department in line with the appointment of Art Schmidt as M-G-M publicity manager.

The changes are: Eugene Murphy, New York newspaper contact man, succeeds Schmidt in handling publicity for out of town theatres; Tom Rogers, publicity man for the Valencia, Jamaica, succeeds to Murphy's position; Teddy Arnow moves from Westchester to the Valencia and is succeeded by Jerry Sager. Al Lippe, Newark, succeeds Sager in Manhattan. Arthur Egberts, now in Jersey City, will in addition handle Newark.

W. B. Theatres Men To Meet Tomorrow

ALBANY, May 12.—Ten Warner Theatre managers will convene here next Tuesday for their spring conference. Addressing the group will be M. A. Silver, zone manager; Charles A. Smakwitz, district manager, and Max Friedman, booker.

Managers to attend are: Utica—Arnold Stoltz, Avon; Jack Breslin, Utica, and William Haines, Stanley; Troy—Jack Swartout, American; Sid Sommers, Lincoln, and Leo Rosen, Troy; Albany—Al LaFlamme, Madison; Andy Roy, Strand; Eddie Sellette, Albany, and Robert Rosenthal, Ritz.

Tender Buxbaums Anniversary Lunch

Harry Buxbaum, Metropolitan district manager for 20th Century-Fox, and Mrs. Buxbaum were tendered a luncheon at Dinty Moore's on Friday on the occasion of their 25th wedding anniversary.

Present were Joseph J. Lee, Morris Sanders, Elliott McManus, Moe Kurtz, Abe Blumstein, William Schutzer, Seymour Florin, Joseph St. Clair, Harry Buxbaum, Jr., Louis Pincus, George Blendenman, Al Mendelson, J. J. Wolff, Herman Rieper, Robert Yentes, John Weinberg, Tom Gibbons and John Benas.

Leon Netter on Tour

Leon Netter, Paramount home office theatre executive, left over the weekend for a week's visit with the company's theatre partners and operators in New England. Following his return he will leave on a visit to Comersford-Paramount theatre properties in Pennsylvania and upper New York State.

Personal Mention

ALEXANDER KORDA is scheduled to leave for Europe today by *Clipper*. He plans to return here about June 10.

ED ZABEL, film buyer for National Theatres, and PETER LEVATHES, assistant to Spyros Skouras, are on the Coast with Skouras.

Wolfe Cohen, Canadian district manager for Warners, has returned to his Toronto headquarters after conferences here with ROY HAINES, Eastern and Canadian sales manager.

NORMAN ELSON, sales manager of Film Alliance of the U. S., left over the weekend for a Coast-to-Coast sales trip.

LOU MASHAT of the B. & K. Maryland Theatre, Chicago, was a visitor here over the weekend.

MRS. ALFRED HITCHCOCK, wife of the British director, and DR. MAX JORDAN, radio commentator, are among those arriving from Europe on the *Manhattan* today.

MRS. KNUTE ROCKNE, wife of the late Notre Dame football coach, has returned to South Bend after assisting in the production of a film based on Rockne at the Warner studio.

FRANK RUBEL, former manager of the Des Moines office of Pioneer Theatre Corp., will leave shortly to make his home in California.

PAUL LEATHERBY, assistant booker, and CHESTER HARVEY, shipper at the Warner Des Moines exchange, are on a two-week vacation.

Zanuck and Wurtzel Leave; Goetz Stays

Darryl F. Zanuck, vice-president in charge of 20th Century-Fox production, left for the Coast by plane Saturday. With him went Sol Wurtzel, executive producer. William Goetz, assistant to Zanuck, will remain here for a short time. The three arrived here from the Coast a week ago for home office conferences.

Zanuck disclosed before his departure that Howard Hughes will produce two films for 20th Century-Fox release during the new season. Details of the film have not been set.

Indianapolis Permit Test Up Wednesday

INDIANAPOLIS, May 12.—Hollywood Theatre Corp. suit contesting legality of this city's \$100 annual theatre license fee will be heard Wednesday in Marion County Superior Court. The plaintiff claims that the state fire marshal permits supersede the city's right to issue licenses. The action is a test case and has the backing of the Associated Theatre Owners of Indiana.

Form New Company

ALBANY, May 12.—Fairlyland Theatre Co., Inc., has been incorporated here by Morris and Albert Shestack and E. E. Lippman, Brooklyn.

J. J. FITZGIBBONS, Famous Players J. Canadian general manager; GOLD SALER, his assistant, and J. ARTHUR HIRSCH, circuit manager in Montreal, have return to Canada after conferences at the Warner home office.

JOHN D. HERTZ, JR., of Buchanan & Co. is due back from the Coast tomorrow.

THOMAS DONALDSON, Metro exchange manager in New Haven, is vacationing in Atlantic City, following an attack of the gripe.

DAVID BERNSTEIN was host to EDWARD J. MANNIX at Dinty Moore's on Friday. In the party were J. ROBERT RUBIN, HARRY BERNSTEIN, SI SEADLER, LEOPOLD FRIEDMAN, OSCAR DOOB, JOE VOGEL, C. C. MOSKOWITZ, MARVIN SCHENCK, E. B. HATRICK, HOWARD DIETZ and MORT SPRING.

LAURA ROSENBLATT of the New York I.T.O.A. office and LEONARD MAUTNER will be married June 1. They will honeymoon later at Lake Champlain.

GLADYS LAX of Indiana-Illinois Theatres, Chicago, has left for California and Honolulu.

PHIL REISMAN, JR., son of RKO's foreign sales manager, and ANNA LOUISE TIEBOUT have announced their engagement.

OSCAR A. DOOB of Loew's has taken a house in Great Neck, L. I., for the Summer.

JOHN FREINSTEIN, booker at M-G-M's Pittsburgh office, has a birthday today.

Metro Convention In Chicago Today

CHICAGO, May 12.—Second of the four M-G-M regional sales conventions will open here tomorrow at the Drake Hotel for two days. Attending will be district and branch managers, salesmen and bookers in the Midwest.

Edward M. Saunders, western sales manager, will preside at the session. William F. Rodgers, general sales manager, and Howard Dietz, advertising and publicity director, also will attend.

Griffis Stays on Coast

Stanton Griffis, chairman of the Paramount executive committee, has cancelled his plans to return to New York before the Paramount sales convention and will remain on the Coast for the meeting. Barney Balaban, Neil F. Agnew, Adolph Zukor and more than 30 other Paramount executives will leave for the Coast convention next Monday.

Einfeld Coming East

HOLLYWOOD, May 12.—S. Charles Einfeld, Warners advertising and publicity director, will leave Tuesday for South Bend, Ind., to confer with the family of the late Knute Rockne concerning the film being made of the coach's life. He will then go to New York.

Gould Quits Metro; Schoham Replaces

David Gould, for the last 14 years with M-G-M and until recently representative in Puerto Rico, the Virgin Islands and San Domingo, has resigned and returned here. He is engaged in a film project now in formulation, and has taken an apartment in Brooklyn.

O. R. Schoham, former manager in Finland, has replaced Gould with headquarters in Puerto Rico.

Gould considers that the American domination of the Latin American market is likely to continue without much change in status, holding that it has long held a position of maximum development.

"There is," he observes, "practically only the competition of some native production, mostly in Mexico and the Argentine, with a little coming out of Venezuela. This native product does for Latin America generally maybe about 25 per cent of the gross, and fills say from 15 to 18 per cent of the playing time. This is no evidence of a preference for the product from the entertainment point of view, but is rather an expression of patriotism."

Women Meet Today On Allied Convention

CHICAGO, May 12.—Jack Kirsch, president of Allied of Illinois, tomorrow will give a luncheon at the Covenant Club to the women's committee for the Allied States convention here opening June 19. Kirsch is convention chairman.

Headed by Mrs. Jack Kirsch, the committee chairmen include: General, Mrs. Elmer Benesch, Mrs. Abe Feder and Mrs. Jack Rose; Entertainment, Mrs. Jack Kirsch, chairman; Mrs. Harry Goldson and Mrs. Nate Wolf; Luncheon, Mrs. Elmer Benesch, chairman; Mrs. Herbert Ettelson and Mrs. Joseph J. Weiss; Reception, Mrs. Abe Feder, chairman; Mrs. Ben Lasker, Mrs. Beatrice Saperstein and Mrs. John Semadals; Sightseeing, Mrs. Jack Rose, chairman; Mrs. Louis Harrison and Mrs. Jack Rubin.

Ostrow in RKO Deal

HOLLYWOOD, May 12.—Vogue Publications, headed by Lou Ostrow, who until recently produced the "Hardy Family" series for M-G-M, has signed a deal for RKO release of four pictures for the new season.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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EXHIBITORS HAVE THEIR WAY WHEN THEY PLAY "IF I HAD MY WAY"!

★★★★
SPECIAL

FINAL

IT'S A COUNTRY-WIDE SMASH FOR BING & GLORIA'S LATEST!



Bing **CROSBY** *in* **GLORIA JEAN**
If I Had My Way

with
Charles WINNINGER • EI BRENDAL
Allyn Joslyn • Claire Dodd • Nana Bryant
and
Eddie Leonard • Trixie Friganza • Grace LaRue
Julian Eltinge • Blanche Ring

Produced and Directed by **DAVID BUTLER**
Story by David Butler, William Conselman and James V. Kern
Screenplay by **WILLIAM CONSELMAN** and **JAMES V. KERN**

PROVIDENCE:—Registers best
Crosby business in years at the
Albee!

SPRINGFIELD:—50% better than
last Crosby at the Roxy!

TOLEDO:—Doubles last Crosby
hit at the Rivoli!

YOUNGSTOWN:—Bests every
Universal picture here to date!

HARTFORD:—Equals Durbin!
Beats last Crosby picture!

DES MOINES:—Day and date hit
at both Des Moines and Roosevelt!

AKRON:—Socko at Colonial!

JOHNSTOWN:—Cambria flooded
with Swing and Bing fans!

SEE SHOWDOM'S
M O S T
FAMOUS
NAMES!

HEAR
EDDIE LEONARD
Sing "Ida"

HEAR
BLANCHE RING
Sing "Rings On
My Fingers"!



A NEW UNIVERSAL
PICTURE

U. A. Is Expected To Announce 30 At Meeting Today

(Continued from page 1)

second three-day meeting will be held in Chicago for the Western sales staffs, beginning on Friday, with L. J. Schlaifer, vice-president and Western general sales manager, presiding.

Among the executives who will attend the meeting here, in addition to Silverstone, are: Harry D. Buckley, vice-president in charge of corporate affairs; Arthur W. Kelly, vice-president in charge of foreign distribution; Paul N. Lazarus, contract manager; Charles Stern, Eastern district manager; Bert M. Stearn, Midwestern district manager; David Prince, Southern district manager; Haskell M. Masters, Canadian district manager, and Moe Streimer, special home office representative; Lynn Farnol, director of advertising and publicity; Monroe Greenthal, exploitation manager, and Albert Margolies, publicity manager.

James Roosevelt, chairman of the board of Samuel Bronston Productions, arrived by plane from the Coast Saturday to attend the sessions. He will inform the sales force of the films to be delivered by the Bronston firm. Roosevelt plans to go on to the Chicago meeting, returning to the Coast on Friday.

Other United Artists producers who will be present are Samuel Goldwyn, David O. Selznick, Hal Roach and Sol Lesser. Goldwyn's "The Westerner" will be screened at both meetings, the producer also planning to attend the Chicago sessions. Sol Lesser has brought a print from the Coast of his latest production, "Our Town."

Producer representatives who will attend the Eastern meeting include: James A. Mulvey, vice-president and Eastern representative for Goldwyn; Emanuel Silverstone, Alexander Korda's representative; Lowell V. Calvert, Eastern representative for Selznick; Harry Kosiner, representing Walter Wanger in the East; J. J. Milstein, Eastern representative for Edward Small; Thomas Walker, vice-president and Eastern representative for Roach.

Reach Settlement In Vineland Suit

(Continued from page 1)

would not disclose the terms of settlement, jointly stating that "A settlement has been reached satisfactory to both parties."

It is understood here that the settlement gives the Landis priority in first run over the Warner house in Vineland, which was the basis of the suit.

Last Nov. 6, Judge Kirkpatrick granted a temporary injunction against the defendants, which was vacated on Feb. 9, by the U. S. Circuit Court of Appeals on the ground that the hearings had not been completed.

While several other anti-trust suits have been filed here against the same defendants, the only case listed for trial during this session is the Harub Amusement Corp.'s Admiral Theatre case, with May 28 set as the date for the hearing. The Admiral, in addition, seeks triple damages of \$225,000. No settlement in the case is expected, Wolf stating, "We are preparing to fight that case. We are not discussing a settlement and don't intend to."

Executives at United Artists Convention



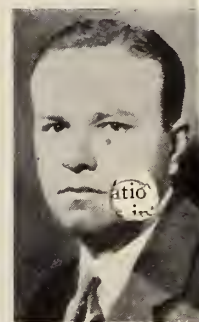
M. SILVERSTONE
Chief of World
Operations



HARRY GOLD
Eastern Sales
Manager



L. J. SCHLAIFER
Western Sales
Manager



HARRY BUCKLEY
Charge Corporate
Affairs



ARTHUR KELLY
Head Foreign
Distribution



PAUL LAZARUS
U. A. Contract
Manager



LYNN FARNOL
Director Publicity
and Advertising



M. GREENTHAL
Director of
Exploitation



AL MARGOLIES
Manager of
Publicity

Sears, Roebuck Plan New National Theatre Giveaway

PHILADELPHIA, May 12.—Sears, Roebuck & Co., plans a new type of theatre giveaway, with patrons receiving cash coupons redeemable in merchandise at Sears retail stores throughout the country or in mail order purchases. The plan was disclosed here by E. J. Nunn, Sears merchandising promotion executive, who will be in charge of its execution.

Already under consideration for more than a year, the giveaway will be tried first in six independent neighborhood houses here starting June 3

and continuing the remainder of the month. The President, Hollywood and Southern have already been selected for the experiment. The plan will be extended on a nationwide basis if tests are successful, Nunn declared.

Coupons have been printed in one, two and five-cent values, the exhibitor using his judgment on which coupons to give out with the pictures. The exhibitor pays the face value of the coupon, Sears carrying the plan's advertising and promotion cost. The coupons may be used as part or full value for merchandise.

RKO Foreign Heads Due for Convention

The vanguard of RKO's foreign managers who will be in New York this month for home office conferences and to attend the company's annual sales convention which will open at the Waldorf-Astoria here May 27, arrived on Saturday.

Reginald Armour, European manager for RKO, is aboard the *Manhattan*, and Ben Y. Cammack, Latin American manager, arrived from Rio de Janeiro on the *Argentina* Saturday. The *Manhattan* is due today.

Others who will arrive during the next 10 days are Gus Schaefer, F. S. Gulbransen and Pedro Saenz, all from Central America and West Indies territories.

Sues on 'Strogoff'

LOS ANGELES, May 12.—The local Superior Court has been asked to determine whether the Irish Free State, Australia and Canada are part of the United Kingdom, by Joseph N. Ermolieff, producer who made "Michael Strogoff" in Europe and later sold the rights to RKO. The remake contract, he claims, gave RKO the American and "United Kingdom rights."

Plan B'rith Meeting

The Cinema Lodge of B'nai B'rith will meet Wednesday evening at the Hotel Edison, with A. W. Schwalberg, president, presiding. Myron Sulzberger, Jr., past president of the New York Lodge No. 1 of B'nai B'rith, and Estelle Reiner, attorney, will speak.

Six Western States Adopt Conciliation

(Continued from page 1)

board of trustees to act for them in adjudicating problems found impossible of settlement by local conciliation boards. The trustees were also empowered to act in other matters for all theatres included.

Emphasis of speakers throughout the three-day session was on conciliation as an independent exhibitor policy rather than arbitration, legislation, court action or other "power" methods. Government and court action were strongly denounced.

Final functions of the convention were a party at the 20th Century-Fox studio and a dinner dance Friday night at the Ambassador Hotel.

Writers' Demands Sent to Producers

HOLLYWOOD, May 12.—A 17-point program formulated by the Screen Writers' Guild as the basis for a collective bargaining agreement with the producers was sent to producer attorneys over the weekend by Leonard S. Janofsky, S.W.G. counsel.

The producers will discuss the demands with their attorneys before arbitration meetings are started. Major demands include 100 per cent guild shop, one-year pact term, arbitration of disputes, no speculative writing, no flat deals unless \$5,000 or more is paid to the writer, and vacations with pay.

THEY TAKE THEM ALL IN THEIR STRIDE

DIFFICULT, unusual, routine — no matter what the shot requires, one of the three Eastman negative films will more than fill the bill. Special ability backed by unvarying uniformity has made them the mainstay of modern cameramen. Eastman Kodak Co., Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*

Fort Lee

Chicago

Hollywood

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

RKO Shows Capital Gain of \$9,618,330

(Continued from page 1)
report. Rent paid for theatres by RKO in 1939 amounted to \$2,127,354, exclusive of taxes. The company's average theatre lease has 19¾ years to run.

The company's three largest stockholders are listed as Atlas Corp., which has 29,216 shares of new RKO preferred stock, or 22.79 per cent of the total issue, 719,518 shares of common, or 26.14 per cent, and 327,811 stock option warrants, or 12.81 per cent of the total; RCA, owning 44,757 shares of new preferred, or 34.92 per cent of the total, 316,327 shares of common, or 11.49 per cent of the total, and 555,253 option warrants, or 21.69 per cent; and Rockefeller Center, which has 563,629 shares of new common, or 20.47 per cent of the issue outstanding.

RKO's normal foreign gross was 32 per cent of its total revenue. Since the war, a special inventory reduction of \$392,777 was made as a result of the company's revision of film amortization tables.

The Exchange has given tentative approval to the RKO stock listing application conditioned upon later action by the Securities and Exchange Commission. If the S.E.C. approval is not delayed, the new RKO stock should be listed on the Exchange by June 20. The listing application is for 128,170 shares of new preferred out of 130,000 shares authorized, and 6,338,133 shares of common out of 8,000,000 shares authorized.

U.S. to Set Coast Wage-Hour Status

(Continued from page 1)
bilities of employees in the 615 classifications used by the studios.

Cocking's survey will be made in cooperation with the producers' organizations and the unions and guilds, which will be given full opportunities to submit information and comment on the classifications.

Following the survey, it is expected the Administrator will hold a public hearing to confirm the recommendations of Cocking's report.

Col. Fleming pointed out that the wage provisions of the act are not a problem in the industry, which is one of the highest paying in the country, but that the overtime provisions have raised a number of problems.

Following the enactment of the law producers' representatives came East in an effort to obtain some sort of yardstick for the classification of employees in the 615 categories which were above the level of ordinary wage employment.

Samuel Davies Dies

Samuel Davies, 69, former maintenance superintendent for RKO theatres, died Friday in Bronxville. He was 26 years with E. F. Albee and RKO, and was in charge of maintenance at the Palace on Broadway 18 years until his retirement four years ago.

Rosenzweig Rites Held

Funeral services were held at Park West Memorial Chapel yesterday for William Rosenzweig, father of Morris Rosenzweig, secretary of H.E.R. Laboratories; Joseph and Charles.

'U' to Release 45 Features, 14 Action Films Next Season

(Continued from page 1)
the best boxoffice pictures we have ever made."

Universal's new season production schedule also will include four serials, 56 short subjects, 104 issues of Universal Newsreel and six color cartoon reissues, Scully stated. Of the company's 45 features, three will be Frank Lloyd productions and one will be a Mayfair-Jules Levy production. All other features will be made by Universal Studio.

The company's new season's star list includes Deanna Durbin, Marlene Dietrich, Irene Dunne, W. C. Fields, Charles Boyer, Walter Pidgeon, Kay Francis, Gloria Jean, Bob Burns, Martha Raye, the Ritz Brothers, Allan Jones, Baby Sandy, Victor McLaglen, Hugh Herbert, the Andrews Sisters, Karloff and Lugosi, the Dead End Kids and the Little Tough Guys. Producers include Joe Pasternak, Henry Koster, George Marshall, William Seiter, Tay Garnett and Richard Wallace, in addition to Lloyd and Levey.

"Back Street," one of Universal's best successes of recent years, will be remade for new season release. The complete product list announced to the convention follows:

Two Deanna Durbin pictures, to be produced by Joe Pasternak and directed by Henry Koster.

"Back Street," from the novel by Fannie Hurst. Screenplay by S. K. Lauren.

Three Frank Lloyd productions.

"When the Daltons Rode," with Walter Pidgeon, Kay Francis, Brian Donlevy, Robert Stack, Andy Devine and Broderick Crawford. To be directed by George Marshall. From the story by Emmett Dalton and Jack Jungmeyer.

An Irene Dunne production.

Two Marlene Dietrich productions, "Seven Sinners" (based on Ladislav Fodor's story and directed by Tay Garnett) and "Countess of New Orleans," both to be produced by Joe Pasternak.

W. C. Fields in "The Bank Dick," to be directed by Eddie Cline.

A Charles Boyer production, "Glamour," based upon Edna Ferber's story and to be produced by Joe Pasternak, directed by Henry Koster.

"Riviera," starring Allan Jones and two leading feminine stars. With original score by Jerome Kern and from the novel by Earl Derr Biggers; Leonard Spigelgass, associate producer.

"A Little Bit of Heaven," starring Gloria Jean, with Helen Parrish, Robert Stack and Lewis Howard. To be produced by Joe Pasternak, directed by Richard Wallace, screenplay by Grover Jones.

"Straight From the Heart," starring Gloria Jean with Robert Cummings, Nan Grey.

A William Seiter production.

A picture starring Bob Burns and Martha Raye.

"Trail of the Vigilantes."

A George Marshall production.

"Tight Shoes," story by Damon Runyon.

The Ritz Brothers in a Mayfair production by Jules Levey.

Two Baby Sandy productions—"Sandy's Day Out" and "Butch Minds the Baby," the latter by Damon Runyon.

Victor McLaglen in "Modern Monte Cristo," with John Loder, Anne Nagel, Philip Dorn and Cecil Kellaway. To be directed by Harold Schuster; associate producer, Marshall Grant.

Two Hugh Herbert pictures—"Who's Crazy Now?" and "Slightly Tempted." Lew Landers will direct; Ken Goldsmith, associate producer.

"The Invisible Woman," to be directed by Joe Mav; Burt Kelly, associate producer.

The Andrews Sisters in "Argentine Nights." Albert S. Rogell will direct.

"The Black Cat," from Edgar Allan Poe's story.

The Dead End Kids and The Little Tough Guys, together, in "Give Us Wings" and "Fighting Stowaways." Ken Goldsmith, associate producer.

Boris Karloff and Bela Lugosi in "The Monster of Zombor."

"Moonlight in Hawaii."

The balance of the 42 pictures will be "Marquee Productions" to be selected from the following properties:

"San Francisco Docks," "Streets of Cairo," "Black Pearls," "Ragtime Cowboy Joe," "The Dance in Havana," "Wildcat of Paris," "Rhapsody in Stripes," "The Acquittal," "Dust Bowl," "Ghost Patrol" and "Margie."

The seven pictures starring Richard Arlen and Andy Devine are:

"Tall Timber," "Leather Pushers," (from the stories by H. C. Witwer) "South of the Amazon," "Sky Hawks," "The Wreck of the Zarago," "The Return of the Sheik," and "Northern Lights." They will be directed by Christy Cabanne with Ben Pivar, associate producer.

The seven Johnny Mack Brown starring pictures with Fuzzy Knight and the new stunt girl, Julie Duncan, are:

"Son of Roaring Dan," "Man From Cheyenne," "Forgotten Valley," "Calgary Stampede," "Marshal Law," "Vigilante" and "The Lariat Kid." Associate producer is Joseph G. Sanford.

Short Subjects include 13 two-reel musical shorts, 13 one-reel subjects, a two-reel special, 15 "Stranger Than Fiction" and 15 "Going Places."

There will be 104 issues of the Universal Newsreel with Graham McNamee as commentator, under the editorship of Tom Mead and Joseph O'Brien.

The six most popular color cartoons in the company's history will be reissued in 1940-41. All in color, they are known as Color Cartune Classics. Their titles are: "Jolly Little Elves," "Toyland Premiere," "Springtime Serenade," "Three Lazy Mice," "Candyland" and "The Fox and the Rabbit."

There will be four serials—Dick Foran in "Winners of the West" (13 episodes) with Anne Nagel, James Craig and Tom Fadden; directed by Ford Beebe and Ray Taylor; Henry MacRae, associate producer. MacRae will act as associate producer for the remaining three serials, which include the Dead End Kids with the Little Tough Guys in "Junior G-Men" (12 episodes); "The Green Hornet Strikes Again" (15 episodes), and "The Leopard's Claw" (12 episodes).

In addition to the salesmen, district and branch managers under Eastern Sales Manager F. J. A. McCarthy

Says Loew's Circuit Acts Independently

(Continued from page 1)

difficulties with M-G-M on negotiating terms for films as with any other distributor. He described the M-G-M distribution department as "tough" but asserted that he was determined "not to let these people upstairs in M-G-M make a sucker out of me."

Preference is given to M-G-M, Moskowitz said, "because it's a better product than any other company." He insisted, however, that the treatment accorded to each picture depends solely on its merit.

The Government interrogated the witness on all complaints made against Loew's by exhibitors for alleged unreasonable clearance. Moskowitz contended that very few complaints had been made. Questioned specifically regarding the Century Circuit, Moskowitz replied that Century had not raised any issue on clearance for a number of years.

Loew's never plays a picture for less time than the licensing contracts call for, Moskowitz stated, and consequently there had been no necessity of discussing adjustments.

Questioned on "underage and overage," Moskowitz confessed that he did not know what those terms meant. When told that the Government's complaint had defined them, he quickly responded, "I've never read the complaint." Moskowitz's attorney, John W. Davis then added: "You should. It's very interesting literature. We learned quite a few facts about the motion picture industry."

Moskowitz said that he had no fixed policy in acquiring theatres. "If there is a neighborhood in New York where I thought a Loew's theatre would be profitable, it would be my duty to obtain a theatre there," he explained.

Fred Mills on Coast

HOLLYWOOD, May 12.—Fred Mills, president of Mills Novelty Co., Chicago, and his brother, Hayden, are here to discuss with Henry Henigson, general manager of Globe Productions, plans for production of three-minute shorts to be shown in coin operated automatic projectors.

at the convention, N. J. Blumberg, president, and J. Cheever Cowdin, chairman of the board, also attended the session. Other executives included Cliff Work, vice-president and general manager of the studio; Joseph H. Seideman, vice-president in charge of foreign affairs and W. J. Heineman, Western sales manager, who will gather his exchange men together in Chicago next weekend for the second regional meeting.

Also Leo Abrams, short subjects sales manager; John E. Joseph, director of advertising and publicity; Louis Pollock, Eastern advertising manager and Hank Linet, assistant; Andrew Sharick, studio sales contact manager; Morris Alin, editor of *Progress*; F. T. Murray, branch operations manager; O. C. Binder, exchange maintenance manager; James Jordan, contract manager; James Miller, print manager; Charles Kirby, assistant foreign manager; Clarence Margon, Latin-American supervisor; Herman Stern, non-theatrical department manager, and Adolph Schimel, Universal attorney.

20th-Fox Completes Russell' Opening Details in 2 Cities

Arrangements have been completed for the two-city premiere of "Lillian Russell" in Pittsburgh and Clinton, on Wednesday. The opening of the 20th Century-Fox film will be celebrated in Pittsburgh by a two-day celebration and in Clinton by a three-day affair.

The film's stars, Alice Faye, Don Ameche and Edward Arnold, will attend from the Coast, with other company players, Cesar Romero, Mary Kealy and Arleen Whelan. Newspaper critics from 18 key cities, trade press and national magazine correspondents also will attend.

Gov. George H. Wilson of Iowa and Mayor Pape of Clinton will greet the delegates, and Mayor Scully will welcome those at Pittsburgh. The Clinton premiere will be at the Capitol and Rialto, and in Pittsburgh at the Alvin and Senator. The Iowa city will have a three-day "Gay Nineties" celebration, while Pittsburgh's fair will include a civic parade and \$100 a plate charity dinner.

Herman Wobber, general sales manager of 20th Century-Fox, and William Sussman, Eastern sales manager, will attend the Pittsburgh opening, while William C. Gehring, Central sales manager, will be at Clinton.

A luncheon commemorating the memory of Lillian Russell will be given at the St. Moritz here Friday by the Women's Clubs of New York. Former Gov. Alfred E. Smith heads the list of honorary guests.

The following trade paper representatives will attend the Pittsburgh premiere:

Theodore Sullivan, Quigley Publications; Hollis Kennehan, Film Daily; William Ornstein, Box Office; Lew Mentlik, Exhibitor and Chick Lewis, Showmen's Trade Review. Newspaper critics will include: Charles Howard, Marjory Adams, Boston Globe; Helen Eager, Herald-Tribune; Prunella Hall, Boston Post; Ed Harkins, Boston Record; Peggy Doyle, Boston American; John Hutchins, Boston Transcript; Winsor French, Cleveland News; Arthur Spaeth, Cleveland Press; Harold C. Eckert, Ohio State Journal; A. S. Kany, Dayton Herald; Charles Gay, Dayton News; Al Weitschat, Detroit News; Charles Gentry, Detroit Times; Frank Farrell, New York World-Telegram; H. T. Murdock, Philadelphia Public Ledger; Elsie Finn, Philadelphia Record; Elizabeth Copeland, Richmond News-Leader; Edith Lindeman, Richmond Times-Dispatch; and Fred K. Schuler.

Theatre circuit representatives who will attend include: Morris Mechanic, New Theatre, Baltimore; Harry Browning, M. & P. Theatres, Boston; Harry Remington, Fox Detroit Theatre, Detroit; and Everett Callow, Warners, Philadelphia.

The following magazine people also will go to Pittsburgh: Dan Mich, Look; Frederick James Smith, Liberty and Frances Simon, Pic.

Those who will go to Clinton are:

L. Shainmark, Chicago Herald American; Luke Hunt, Chicago Daily News; Karin Walsh, Chicago Daily Times; W. S. Brons, International News Service, Chicago; George C. Gallati, International News Service, Chicago; Fran Leary, United Press, Chicago; Russell C. Landstrom, Associated Press, Chicago; A. E. Neumann, Acme News Pictures, Inc., Chicago; Buck Herzog, Milwaukee Sentinel; Merle Potter, Minneapolis Times Tribune; Earl Pomeroy, Minneapolis Morning Tribune; Charles Winchell, Minnesota Amusement Co.; Jules S. Steele, St. Paul Pioneer-Press; Keith Wilson, Omaha World Herald; Ted Emerson, Tri-State Theatre Corp., Omaha; Barney Oldfield, Lincoln Journal & Star; Ken Clayton, Des Moines Register Tribune; Ted Metzger, Associated Press, Des Moines; Winthrop Lyman, United Press, Des Moines; Walter Simmons, Sioux Falls Daily Avian Leader; Gene Rich, Chicago office of Box Office; Mary E. Wheelock, Des Moines office of Motion Picture Daily; William Hollander, Balaban and Katz, Chicago.

Hollywood Review

"Torrid Zone"

(Warners)

HOLLYWOOD, May 12.—James Cagney, Pat O'Brien and Ann Sheridan are top billing factors of this fast-moving, outspoken comedy and each of them is to be seen and heard under a full head of steam in the activities for which they are best suited.

The scene is one of those banana republics traditionally dominated by the local manager of the American fruit company and O'Brien plays the hardbitten boss intent upon retaining hard-hitting Cagney in company employ as overseer of a ranch on which only he can produce a satisfactory crop.

The O'Brien-Cagney conflict and conversation is in the general pattern of the Walter Burns-Hildy Johnson struggle in "The Front Page" but Ann Sheridan is an added complication in their relationship as a flaming redhead from the States ordered out of the republic by O'Brien but hidden, aided, abetted and finally fallen in love with by Cagney.

Helen Vinson as a homesick American wife also amorously inclined toward Cagney and George Tobias as a local brigand are others prominently involved in the intricate and sharply pointed plot and dialogue.

Although melodramatic in such incidents as various captures and escapes of the native brigand, the original script by Richard Macaulay and Jerry Wald seeks principally to induce audience laughter and succeeded completely on the occasion of the film's Hollywood preview before an adult audience. Many of the dialogue lines are of the sort that allow a hearer to derive from them a choice of meanings.

Direction by William Keighley is in all cases in the interests of speed and humor. Mark Hellinger served Executive Producer Hal B. Wallis as associate producer and the film is of the upper bracket variety as to visible investment.

Miss Sheridan's widely publicized title of "oomph girl" is made official by Cagney in the final line of dialogue, which refers to her "14 karat oomph."

Running time, 90 minutes. "A."*

ROSCOE WILLIAMS

*"A" denotes adult classification.

Civic Groups Aid 'Edison' Premiere

New Jersey's "Edison Pageant of Progress" in the four Oranges, beginning tomorrow for three days and sponsored by civic groups in conjunction with the premiere Thursday of M-G-M's "Edison, the Man," will have the cooperation of the National Guard, General Electric Co., various organizations and schools. A parade will precede the showing of the picture simultaneously in each of the towns.

Reproduction of the theatre in which Edison experimented with his motion picture camera will be on exhibition in West Orange. There will be a fireworks display, a ball to be attended by civic officials and screen personalities and the first public showing of the Edison Co.'s "frozen light."

Industry Faces Loss Of Holland, Belgium

(Continued from page 1)

extension of the war, foreign managers say, is in the possibility of drastically restricted theatre operations because of aerial warfare. Continuance of air raids in France and England could bring about partial or complete theatre shutdowns, as in the first weeks of the war. Naturally, the air war over the Netherlands and Belgium makes theatre shutdowns even more likely.

It was feared also that the new hostilities, creating a state of emergency in virtually every European capital, will handicap, if not destroy, the industry's current negotiations in Rome for a return to the Italian market.

Seek Method For Speeding Neely Hearing

(Continued from page 1)

latter's arrival here today. It was learned, however, that the film industry opponents of the measure will not deviate from their planned procedure, and the same is believed true of the bill's proponents.

Testimony in support of the bill will be taken first, with representatives of the Motion Picture Research Council and other public groups probably in lead-off position, to be followed by Allied States representatives, after which the industry will be given its opportunity. The opponents will decide on their rebuttal speakers as the proponents' testimony progresses.

Committee officials are hopeful that their plea to eliminate repetitive testimony will be heeded so that the hearings will not be unduly prolonged. Assurances have been received, they said, from various groups of supporters of the bill that the number of witnesses would be held to a minimum. It is understood the distributors also plan to have their case presented in compact form.

Ed Kuykendall, president of the M.P.T.O.A., arrived today from the Coast to attend the hearings. Also here are David Palfreyman of the M.P.P.D.A., and Harry Brandt of New York. Kuykendall and Brandt are expected to be among the speakers for the opposition.

JAY EMANUEL

says

DARK COMMAND

"One of the biggest of the year. Will set a record for playing time."

RAOUL WALSH—Director

The story of
"THE BLACK KNIGHT
OF KANSAS"

A
Republic
Picture

He plundered a nation to make his lady-love the Queen of Kansas.

St. Louis Air Fight Of Rival Stations Is Settled by FCC

WASHINGTON, May 12.—A cooperative solution has been effected by the Federal Communications Commission of the situation arising out of the rivalries of St. Louis radio stations, which have kept the industry in that city in a tumult for several years.

As a result of conferences between the commission and the several broadcasters, a new allocation structure has been set up, which will involve changes in the facilities of a half-dozen stations.

Under the new program, KSD will continue to use the same frequency and power as at present, but will be given unlimited time instead of sharing with KFUP. The latter station will be shifted to 830 kilocycles and given an increase in night power from 500 to 1,000 watts, operating from local sunrise to sunset at Denver.

The application of KXOK for a change of frequency from 1,250 to 630 kilocycles is granted and it is given an increase of power from 1,000 to 5,000 watts, and the application of KWK for increase of power from 1,000 to 5,000 watts, night, is reinstated, and a hearing will be held on its application for a change of frequency from 1,350 to 630 kilocycles.

Station WGBF, Evansville, Ind., will change frequency from 630 to 1,250 kilocycles, and KFRU, Columbia, Mo., will move from 630 to 1,370 kilocycles.

Phonovision System Demonstrated Here

Sam Sax and Frank Orsatti late last week at the Sherry-Netherland Hotel demonstrated the Phonovision machine, a coin-operated projection device, designed for use in hotels, restaurants, clubs and similar locations.

The apparatus, manufactured by Phonovision Corp. of America, Hollywood company, is encased in a cabinet six feet high by three feet wide, which is self-winding and requires no operator. Inside is a 16mm. rear projection machine which throws pictures on a screen 21 inches high by 28 inches wide. The cabinet holds 10 three-minute subjects or three 10-minute subjects.

Technicolor Dividend

The board of directors of Technicolor, Inc., at a meeting Friday, declared a dividend of 50 cents per share on the common stock, payable June 15 to stockholders of record on June 3. Dr. Herbert T. Kalmus, president, presided. No other business was transacted.

Drama Award to Muni

Paul Muni has received the award of the Drama Guild of New York for the most distinguished performance of the season, in "Key Largo." Maxwell Anderson, the play's author, on Friday accepted the award on behalf of Muni, who is in San Francisco with the play.

Nazimova in 'Escape'

HOLLYWOOD, May 12.—M-G-M has signed Nazimova for a leading feminine role in "Escape."

Off the Antenna

DEFENDING Paramount's interest in the Allen B. DuMont Laboratories, Mortimer Loewi, vice-president of DuMont, asserts that the greatest need of television at the moment is a sense of showmanship and that Paramount is in a position to provide it. Within a year, says Loewi, theatres will start installing television screens and within five years film producing companies will find their interests "a whole lot less in pictures and more in television." Paramount is primarily in the entertainment business, Loewi points out, and its interest in television is a normal extension of its desire to be in the forefront of the entertainment world.

• • •

The impression carried away by most motion picture advertising and publicity men at the Ampa luncheon last week where representatives of the National Radio Film Commentators Circle spoke, was that publicity exclusively for radio required special attention and perhaps a new technique. The Circle's plea for "recognition" was regarded as reasonable, and it is likely that more friendly relationships with film publicity departments will result from the meeting. However, the impression gathered by most of the audience was that the 122 critics who are heard on local stations can play an important part in molding opinion for or against a picture or its star, and that special men ought to be assigned to radio, budgets permitting.

• • •

Another full hour variety show will give way to the shorter half-hour format next Fall. Fred Allen, who has been on NBC steadily since Jan. 3, 1934, under the sponsorship of Bristol-Myers Co., will not be with the program after July 3. Young & Rubicam, the agency handling the show, declared over the weekend. Plans call for Abbott & Costello to take over as the Summer replacement, with Eddie Cantor following in the Fall. Neither contract has been signed as yet, the agency said.

• • •

Personalities: Jesse H. Buffum has been named the New England reporter for the CBS farm news network. . . . John F. Royal, NBC vice-president in charge of programs, left by plane Friday for South America to make final arrangements for the tour of Arturo Toscanini and the NBC Symphony orchestra. . . . Ken R. Dyke, director of NBC national sales promotion, has been elected grand president of Alpha Delta Sigma, national advertising fraternity. . . . Cliff Howell, former producer at KFIW, Hollywood, has been named program manager at KSFO, San Francisco, to succeed A. W. Stowe who will market "Stowe-o-Grams, a dramatic series. Another appointment at KSFO is William Shaw, salesman, formerly with KNX. . . . Art Westlund, manager of KRE, Berkeley, California, has been elected chairman of the Northern California Broadcasters Association for the third consecutive year. Preston Allen, manager of KIX, Oakland, was elected secretary. . . . Gilbert Ralston has been named network program manager for the Compton Advertising agency. Hal James will be local program manager, and Storrs Haynes has been added to the program staff.

• • •

Programs: WNEW will cover the ball which will honor the stars of "Edison, the Man" at the Orange (N. J.) Armory on Wednesday at 11 P. M., with Spencer Tracy, Rita Johnson and Ann Rutherford participating in the broadcast. On Thursday, WNEW will cover the premiere at the Hollywood, in East Orange at 9:30 P. M. . . . Mutual will cover the Communist Party convention on June 2 from 1:30 to 2 P. M. . . . Meredith Wilson's band, Kay Germaine and Ray Hendricks will be the Summer replacement for the "Fibber McGee & Molly" show over 73 NBC-Red stations beginning July 9. . . . Liggett & Myers Tobacco Co. has renewed Fred Waring's "Pleasure Time" over 91 NBC-Red stations for an additional year. Waring is heard Monday through Friday at 7 P. M. . . . Argentina, Chile, El Salvador and Panama have agreed to extend Columbia's "American School of the Air" to their respective countries starting next October.

• • •

All the networks and most of the local stations sprung into action at 1 A. M. Friday when news was flashed from Holland that the German invasion had begun. Broadcasting continued throughout the night and morning. Vacations which were scheduled to start over the weekend were canceled and all news men and commentators were routed out of bed to keep the all-night vigil. Foreign pickups continued all day. Program interruptions were frequent and many were canceled to make way for special newscasts.

• • •

After July 1, Westinghouse Radio Stations, Inc., will locate its radio headquarters in Philadelphia at the new KYW building, which was acquired at the termination of the Westinghouse-NBC agreement. The staff will be headed by Walter G. Evans, vice-president.

Cincinnati Bingo Profit at New High

Cincinnati, May 12.—Bingo profits reached a new high in April when 231 parties sponsored by religious, charitable and other organizations grossed \$212,945.02. Prizes totaled \$51,515.84, leaving net profit of \$161,429.18 to sponsors. Average net cost to each participant was 59.8 cents. Average net cost for theatre admissions is 34 cents.

Actor Fund Reports Year Deficit \$11,257

The Actors' Fund of America had a deficit of \$11,257 for the year ended April 30, last, it was reported by Sam A. Scribner, treasurer, at the annual meeting Friday. Total expenditures for the year were \$158,149 and receipts were \$146,892.

Daniel Frohman, president of the Fund for the last 37 years, was re-elected. Walter W. Vincent of the Wilmer and Vincent circuit was re-elected first vice-president. Katharine Cornell was elected second vice-president to replace Major Bernard Reinold, who died last March; Scribner was re-elected treasurer and Robert Campbell secretary.

Music Cost Cut as WPEN Strike Ends

PHILADELPHIA, May 12.—Costs for studio orchestras will be cut by more than 50 per cent for WPEN here as result of settlement of the five-month strike of the musicians' union effected over the weekend. Under the new terms, the station will spend \$15,000 annually instead of \$31,000. The contract, which runs for 15 months until September, 1941, provides that the original 12-piece orchestra shall be reinstated tomorrow but reduced to eight men in September.

Harbord to Speak On Broadcasting

WASHINGTON, May 12.—Broadcasting, as connected with the communication problems of the Western Hemisphere, will be discussed by Gen. James G. Harbord, board chairman of RCA, on Wednesday, before the eighth American Scientific Congress, which opened here Friday.

An entire session of the meeting will be devoted to communications, with Frank W. Phelan, president of All-American Cables and Radio, speaking on "Two-Way Communication."

Sue on Agency Contract

Manfred B. Lee and Frederic Dan-nay, authors of the CBS radio program, "The Adventures of Ellery Queen," filed suit Friday in N. Y. Supreme Court for cancellation of an agency representation contract with Walter L. Rosemont. Contract, made in June, 1939, gave the defendant 10 per cent of proceeds from the program, the complaint states.

20-Mule Team Parades

The 20-mule team which toured the country exploiting M-G-M's "20-Mule Team" paraded Broadway on Friday, with Wallace Beery, star of the film, handling the reins. Beery participated in the World's Fair opening.

Alert,
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and
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to the Motion
Picture
Industry

M.P.P.D.A. OF AMERICA,
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PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

OL. 47 NO. 95

NEW YORK, U.S.A., TUESDAY, MAY 14, 1940

TEN CENTS

U. A. Plans 22 Features from 13 Producers

**Represent an Investment
Of \$30,000,000**

A program of 22 features from its 13 associated producers was announced for new season release by United Artists at the opening session of the company's three-day annual sales convention at the Waldorf-Astoria yesterday.

Maurice Silverstone, United Artists chief executive, stated that the 22 productions represent an investment of nearly \$30,000,000. He pointed out that the company would release six additional productions during the 1940-41 season which had been announced for the current year but were not completed in time for release as scheduled.

Harry L. Gold, vice-president and Eastern general sales manager, is presiding at the sessions here, which are being attended by the company's sales forces from the Eastern and Canadian

(Continued on page 8)

Weather and Fair Hit B'way Grosses

The three W's—the war, weather and World's Fair—combined to give Broadway one of its worst weekends in a long time. With the exception of the Music Hall, where Fair visitors from out of town were in evidence, all box-offices suffered badly.

The Fair, aided by sunny skies Saturday and Sunday, ran ahead of expectations. Opening day drew 190,196 paid admissions, followed by Sunday's 168,122 to make up a total of 358,318 for the first weekend, according to the Fair.

(Continued on page 7)

'Lynton' Litigation Finally Terminated

The eight-year litigation in the "Lety Lynton" plagiarism suit came to an end yesterday when a satisfaction of a judgment of \$167,528 against Loe's, M-G-M Pictures Corp. and Culver Export Corp. in favor of Edward Sheldon and Margaret Ayer Barnes was filed in the U. S. District Court.

Suit had charged plagiarism of the plaintiff's play, "Dishonored Lady" in the film, "Lety Lynton." A judgment of \$532,000 was reduced to one-fifth that sum by the Circuit Court and the reduction was upheld by the U. S. Supreme Court.

Silverstone Urges New Talent Award

An annual film critics' award to the producer who introduces the best new screen talent of the year was urged yesterday by Maurice Silverstone, United Artists chief executive, at a luncheon at the Waldorf-Astoria attended by representatives of the metropolitan newspapers and the trade press, in connection with the company's annual sales convention.

Silverstone said one of the great needs of the industry is "new blood," and urged recognition for producers who develop it. He said that United Artists, either alone or with other companies, would donate the annual trophy.

Publicists Guilds Talk Cooperation

Two plans for closer cooperation between the Screen Publicists Guild on the Coast and the Screen Publicists and Advertisers Guild in New York will be presented at a meeting of the latter organization tonight by George E. Bodle of Hollywood, S. P. G. attorney.

One plan calls for the establishment of an international union with locals

(Continued on page 8)

'U' Will Have 15 Ready by Sept. 1

ATLANTIC CITY, May 13.—Fifteen of Universal's new season films will be completed and ready for release by Sept. 1, Nate J. Blumberg, president, declared today at the closing session of the company's three-day Eastern convention here at the Ambassador Hotel.

"This position is possible because the studio has virtually completed

(Continued on page 7)

F.C.C. May Reaffirm Its Original Sept. 1 Commercial Television Date

Washington, May 13.—It is considered likely here that the Federal Communications Commission may reaffirm its original Sept. 1 date for the commercial operation of television. The order was issued originally in February, and subsequently was rescinded.

Possibilities that the commission may make its decision known this week with respect to commercial television operation were hinted here today by officials. The testimony taken at the hearings last month, and the briefs filed thereafter are currently under consideration by the commission.

CALL BLOCK SALES 'MONOPOLY PILLAR'

Armour Sees Film Shortage Assuring Operations Abroad

A shortage of European-made films, already apparent abroad, is certain to insure continuation of the American industry's operations abroad despite the recent extension of the war, in the opinion of Reginald Armour, European general manager for RKO, who arrived here yesterday on the *Washington*.

Armour said, however, the situation in Europe will necessitate an entirely new formula of doing business abroad. He said he could not say at this time what the formula would be but that decisions involving basic operating changes may be made following his conferences here with Phil Reisman, RKO vice-president and foreign head.

Two major problems now facing American companies operating in Europe, he said, are those of film shipments and the reorganization of office staffs due to mobilization. However, he said that RKO is able to operate.

(Continued on page 8)

Release of 'Heaven' In 2 Parts Opposed

Warners is polling exhibitors for suggestions as to the release of "All This and Heaven Too" in two separate parts or in the usual manner.

Among the first to respond was Ed Kuykendall, M. P. T. O. A. president, who opposed release of the picture in two parts.

"Such a plan," Kuykendall said, "would cause a harmful interruption in the continuity of this fine novel, and, I am sure, would find disapproval with audiences throughout the country."

Neely Bill Backers Open Hearings on Measure Before House Group

WASHINGTON, May 13.—Hearings on the Neely block booking bill opened before the House Interstate and Foreign Commerce committee here today with charges by proponents of the measure that block booking and blind selling were the "basic pillars of economic monopoly" in the industry.

Making their final drive for enactment of the bill before adjournment of Congress, supporters of the measure told Committee Chairman Clarence F. Lea that the civic groups and independent exhibitors each would require only about seven hours to present their cases. Indications were, however, that much longer time actually would be required, with the civic organizations' lead-off witness, Henry R. Atkinson of Boston, representing the Motion Picture Research Council, only half through his testimony when the session ended.

Introducing the case for the proponents, Mrs. Mary T. Bannerman of Washington, representing the National Congress of Parents and Teachers and chairman of the National Committee for Legislation to Abolish Compulsory Block Booking and Blind Selling of Motion Pictures, told the committee that the "local community is at the mercy of distant Hollywood," that "the American community is entitled as a matter of right to select the entertainment to be shown within

(Continued on page 7)

Allied Wants Slot Machines Taxed

WASHINGTON, May 13.—Allied States' directors, following a weekend meeting, today announced that they will seek to have applied to nickel-in-the-slot machines all of the "laws, ordinances, regulations and taxes" to which motion picture theatres are subjected.

The directors also initiated the compilation of all available data as to economic conditions and future prospects in the industry, particularly as affected by the war. This will be presented for the members' consideration at the annual convention in Chicago, which opens June 19.

Allied explained that "authentic data" concerning this "is needed as a background for the consideration of demands being made by the distributors for higher film rentals."

Browne Supporters Win Local Election

Supporters of George E. Browne, president of the I.A.T.S.E., swept the elections for convention delegates of the Stagehands' Union, Local 1. Major upset of the annual vote was the victory of Sol Pernick, who defeated Frank Powderly in one of the contests for business agent. Vincent Jacobi, who announced and then retracted a decision to run against Browne for the International presidency, was re-elected as the other business agent. He also was named a delegate to the I. A. convention but drew the least votes.

Officials reelected were Robert Anstett, president; Lewis Yaeger, vice-president; John C. McDowell, secretary; and John J. Garvey, treasurer. Edward J. Mortimer was elected sergeant-at-arms; James J. Brennan, sixth vice-president of the I. A., was elected chairman of the board of trustees; John W. Brouseau and John F. Casey, trustees; Thomas Burke and Patrick Harvey, relief committeemen. The 10 elected as convention delegates, in the order of their total votes, were: Anstett, McDowell, Joseph Dwyer, Edward P. Gately, Pernick, Harry L. Abbott, Casey, Yaeger, George Fitzgerald and Jacobi.

Set Schenck Examination

Examination of Nicholas M. Schenck, president of Loew's, in connection with the Government anti-trust suit, has been tentatively set for 10 A. M., Thursday.

Paris Curfew 11 P. M.

PARIS, May 13.—Military authorities have ordered all theatres, cafes and film houses to close at 11 P. M., instead of midnight, as before.



**ENJOY
UNITED
MAINLINER
LUXURY TO
LOS ANGELES**

★
THE CALIFORNIAN
LV. 9 AM

★
THE CONTINENTAL
LV. 5:15 PM

★
THE OVERLAND FLYER
LV. 10:45 PM

★
Luxurious flights with guest-of-the-line service of the world's most experienced airline. Reservations: travel agents, hotels or

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Personal Mention

NED E. DEPINET and S. BARRET McCORMICK arrived from the Coast by plane yesterday. GEORGE J. SCHAEFER is expected from the Coast by plane today.

GENE MURPHY, Loew's out of town publicity contact, was married in Chicago Friday to Mary Jacobson of New York.

JULES BERNSTEIN of Loew's, Toronto, is in town.

WATTERSON ROTHACKER, WILL H. HAYS, ALBERT WARNER, HAL ROACH and SAM SAX dined at the French Pavilion at the World's Fair Sunday night.

BEN SMITH of Paimo Films, Albany, has returned with MRS. SMITH from a two-week vacation in Toronto.

NATE SPINGOLD, AL YOUNG, JACK GOETZ, LOU BRANDT, SOL BORNSTEIN and LOUIS BERNSTEIN at Lindy's (51st St.) for lunch yesterday.

EDDIE DOWDEN of Loew's publicity department is confined to his home with a cold.

ENID KASTAN, formerly of TOM CONNORS' office at M-G-M, is now employed at the company's Los Angeles branch.

GERALD MCGLYNN, Des Moines salesman for M-G-M, celebrates a birthday today.

DENNIS WALSH, Movietone News cameraman in Philadelphia, has recovered from an appendicitis operation.

SYLVAN KATZ has joined the 20th Century-Fox exchange booking department in Philadelphia.

JOHN G. EVINS, owner of the Plaza in Atlanta, is a candidate for the City Council.

ROBERT ROSENTHAL, who manages the Ritz, Albany, has left with his wife for a New Orleans vacation.

Begins Hollywood Wage-Hour Study

HOLLYWOOD, May 13.—E. M. Cocking has begun a study here in cooperation with Fred Pelton, labor contact of the Association of Motion Picture Producers, to determine the application of the wage-hour law of executive, administrative and professional production employees.

The study has been undertaken at the request of the organized industry. The producers contend that they are being penalized by the wage-hour law. The decision to make the study followed conferences between Pelton and the Wage-Hour Division of the U. S. Department of Labor, represented by Cocking.

Republic Names Kirby

CINCINNATI, May 13.—George Kirby, previously assistant manager and booker of Republic exchange here, has been named manager, succeeding Max I. Margolis, who died May 5. Neil Knoepfle has been made booker.

GEORGE DEMBOW, general sales manager for National Screen Service, returned yesterday from a Coast visit of several weeks. En route East he stopped off at branch offices.

RUBE JACKTER, LOU WEINBERG, EDDIE BUZZELL, HARRY KOSNER, MAX WEISFELDT and MAX SELIGMAN lunching at Lindy's (next to the Rivoli) yesterday.

A. H. BLANK has been appointed to a four-year term on the City Library Board of Des Moines by MAYOR MARK CONKLING.

EDWARD M. FINNEY, producer for Monogram, is the father of a boy, weighing 7½ pounds, born on Sunday to MRS. FINNEY in Hollywood. It is their first child.

ALEXANDER KORDA left yesterday via *Clipper* for England.

HARRY ROTH, district manager of the Pitts-Roth Circuit, Suffolk, Va., has become engaged to SYLVIA KAMSKY, sister of DAVID KAMSKY, advertising manager of Neighborhood Theatres, Richmond.

MRS. FRANK STORINO, wife of the manager of the Lincoln in Richmond, is recuperating from an appendicitis operation.

ETHEL WHARTON, cashier at the Bellevue Theatre, Richmond, is recuperating from an illness in a hospital there.

ADOLPH ZUKOR, BARNEY BALABAN, RUSSELL HOLMAN, DENNIS KING, SIDNEY PHILLIPS, VERNON DUKE, ROWLAND LEIGH, HARRY OSHRIN and JACK KIRKLAND lunching at Sardi's yesterday.

PHYLLIS RICCIUTI of the Warner exchange, New Haven, has announced her engagement to PETER NERI, with July 1 as the wedding date.

W. G. LAWSON, Staunton, Ill., exhibitor, is ill at his home.

Coast Flashes

HOLLYWOOD, May 13.—Edward H. Schwab, chairman of Samuel Bronston Productions executive committee, today denied reports that he or James Roosevelt are withdrawing from the company. The denial was introductory to an explanation of the decision not to produce "The Bat," based on the inability to obtain the services of Alfred Hitchcock to direct. Schwab said the company has adopted a policy that all directors working for the company will have to give a bond guaranteeing completion of their films within budget.

Joseph M. Schenck, chairman of the board of 20th Century-Fox, left by plane tonight for New York. Darryl F. Zanuck, production chief, arrived from New York yesterday.

Griffiths Honorary Member of the KRS

London, May 13.—David E. Griffiths, for four years president of the Kinematograph Renters Society, has been elected an honorary member of the society. Formerly head of First National in England, Griffiths is now handling English sales of "Gone With the Wind."

Shirley Temple Film Offers Are Studied

Three radio offers and a number of film bids were received yesterday by Frank Orsatti, representative of the Temple family, following the disclosure that 20th-Century Fox had terminated Shirley Temple's contract with a payment of \$300,000, which represents a bonus for extra earnings on films during the past five years.

Shirley will not start any picture during 1940, Orsatti declared, but radio offers will be considered immediately. The three thus far received are designed to attract audiences composed of both adults and children.

Relations between Shirley's parents and the studio were cordial as the contract was ended. It was pointed out that Shirley's box-office drawing power had declined while her mother expressed dissatisfaction with the story material.

Hutchinson's Trip To Europe Delayed

Walter J. Hutchinson, head of 20th Century-Fox foreign distribution, has postponed indefinitely his trip to Europe, as a result of the new war developments. He had been scheduled to sail late this week. Hutchinson may go later, depending on developments abroad.

Ben Miggins, Continental European manager for the company, has advised the home office that because of the situation, only one foreign sales meeting is planned, for the French sales staff, at Paris, probably either late this month or early in June. Les Whelan, foreign publicity head, this year will head the eighth annual Overseas Kent Drive, which will begin Sept. 1 and run for 15 weeks. Whelan also headed the drive last year.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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In
1940-41

47.

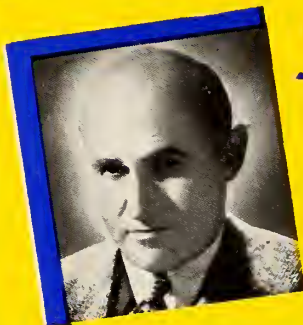


presents the greatest number of pro-
ducers ever assembled by one company
in the entire history of motion pictures...



Charles Chaplin

in Production #6



Samuel Goldwyn

The Westerner



Edward Small

The Corsican Brothers



Walter Wanger

Foreign Correspondent
The Long Voyage Home



Ernst Lubitsch

An Untitled Production
presented by Sol Lesser



Sol Lesser

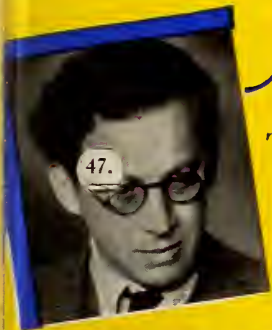
An Untitled Production



Hal Roach

Road Show • Topper Returns • Broadway Limited
Niagara Falls • The Unholy Horde

BACK OF EVERY GREAT PICTURE



Alexander Korda

The Thief of Bagdad
Womanhunt • Lady in The Dark



David O. Selznick

2 Untitled Productions



David L. Loew and Albert Lewin

Flotsam • Night Music



James Roosevelt

Pot O'Gold



Richard Rowland

Cheers for Miss Bishop



Gabriel Pascal

George Bernard Shaw's
Major Barbara

RE IS A GREAT PRODUCER...

Today—even in the face of difficult times and restricted markets—United Artists holds its 21 year leadership firmly, with the largest number of distinguished producers in its history. These producers realize that today, more than ever, outstanding productions are needed and will continue to back their judgment with their own personal fortunes and resources in the creation of the finest product our organization has ever been privileged to handle. With complete freedom for individuality, their plans for the 1940-41 season will give an impetus to the box office of theatres everywhere.

Murray Silverstone

RELEASED THRU UNITED ARTISTS

Neely Facing W. Va. Primary Fight Today

Washington, May 13.—Senator Matthew M. Neely (Dem., W. Va.), author of pending block booking and divorce legislation, will face one of the most severe tests of his political career tomorrow in the West Virginia primaries, in which he is a contestant for the Democratic nomination for governor.

Tomorrow's primaries are expected from West Virginia to be a crucial point, since if the Senator is defeated for the nomination he seeks it will mean that he has lost much of the power which he retained despite his failure in 1936 to put his candidature over. His Senate term runs to 1942.

Neely Backers Call Block Sales 'Pillar of Monopoly'

(Continued from page 1)

it" and that "this right is obliterated by those two practices."

Atkinson, declaring motion pictures "the greatest invention since the printing press and radio," declared that even censorship would not be a substitute for the Neely bill which, he said, is fundamental and goes right to the heart of the motion picture problem.

Warns of 'Regimentation'

The Boston attorney warned that without the local selection which his group is seeking there is "danger of regimentation" and that "liberty and self-government go together and should be applied to motion pictures."

Atkinson is scheduled to resume his testimony tomorrow, after which other representatives of the public groups will be heard before the independent exhibitor witnesses are called.

While only five members of the Committee were present at the opening of the hearings, 16 were in attendance within a short time, practically all participating in the questioning of the two witnesses, principally as to how the "community selection" at which they aimed is to be exerted.

From the tenor of the questions propounded it was indicated that the Committee is skeptical of the practicability of community selection and is by no means yet "sold" on the idea of Government regulation of the film industry.

Admitting that it was not expected that only "super spectacles" would be shown if the bill was enacted, Mrs. Bannerman testified that efforts of many years to secure the cooperation of the producers in improving their product have been fruitless. "Movies seem to be the only business where the customer is always wrong," she commented.

Asked point blank by Representative Oscar Youngdahl whether her group had examined the present state of block booking, Mrs. Bannerman sidestepped by saying "We have experienced it for the last 20 years," and similarly evaded direct questions as to practices of the industry, such as the cancellation privilege.

The viewpoint of some members of the committee was voiced by Representative Elmer J. Ryan, who pointed

out that Congress is frequently asked for legislation by "organized minorities" which "in reality many times do not represent the public." Ryan asked the witness if it was possible that the organizations seeking the Neely bill comprised such a minority and was assured that the demand was "quite spontaneous."

Representative Martin J. Kennedy questioning the practicability of community selection, asked Mrs. Bannerman how it would work out in a large city and was told that "The big cities are all right; they do not have block booking."

Cites Legion of Decency

Asserting that motion picture standards are being maintained at their present level only by the selective activity of the National Legion of Decency, Atkinson told the committee that should that organization ever drop its campaign, conditions would become much worse, and that the only check against such a situation is local power of selection.

"The American common denominator of taste is well above that of Hollywood," he said.

Asked by Representative Carl Hinchshaw if the local exhibitor is interested in what his public wants or in his box-office, Atkinson replied, "They are the same thing," explaining that "the ultimate control of the exhibitor is through the box-office." Some exhibitors, he said, are more interested in building up a reputation than in making money, but members of the committee intimated their inability to agree with that claim.

Atkinson, Harvard '21, is president of the Massachusetts Civic League and a member of the executive committee of the Boston branch of the Massachusetts Motion Picture Research Council.

Will Oppose Neely Bill

LOS ANGELES, May 13.—The six Western states represented in the Pacific Coast Conference of Independent Theatre Owners are scheduled to express opposition to the Neely bill. It is understood the organization will be represented at the Washington hearings, either directly or through spokesmen for some of the state units.

Jubilee Productions Has Silent Comedies

American Picture Jubilee Productions is negotiating releasing rights for a number of silent comedies which it has acquired. The company is newly formed. Morton H. Miller is the president.

Included in the films are 12 Ben Turpin comedies, 12 Snub Pollards, a number of Charlie Chaplins and others featuring slapstick comedians. The films, one and two-reelers, are synchronized and have an explanatory foreword.

Appeal Lunch Today

The Amusement Division of the United Jewish Appeal will hold a luncheon meeting today at the Hotel Astor at 12:45 P. M. Edward M. M. Warburg will speak. Albert M. Warner and David Bernstein are co-chairmen of the division.

Para. Signs Fizdale On Several Pictures

Tom Fizdale, Inc., has been signed by Paramount to augment the regular publicity and exploitation department in the promotion of a limited number of films, according to Robert M. Gillham, director of advertising and publicity.

An increase in the company's advertising budget for 1940-41 is planned, Gillham indicated. The arrangement with Fizdale will have no effect on the activities or personnel of the present Paramount department, he said.

Shift District Office

ALBANY, May 13.—Warner Theatres' Western New York district office has been shifted from Jamestown to Elmira, where Ralph Crabill, district manager, will make his headquarters.

British Production Plans Not Affected

Hollywood, May 13.—American companies' plans for British production so far have undergone no change, despite the intensified war danger, according to studio spokesmen today.

William Siström, RKO foreign production head, says his plans to go to London in mid-June still stand. Warners said four films are continuing in production at Teddington without interruption. Paramount executives said it is impossible to say with certainty at this time whether plans will be revised, although no changes have been ordered so far.

The Samuel Goldwyn studio said he is planning one film in England to use funds frozen there. Sidney Howard's "Undersea Boat" is the projected subject.

'U' Will Have 15 Ready by Sept. 1

(Continued from page 1)

commitments for the current season, and June, July and August are open for next season's production," Blumberg said.

"This week six of the 1940-41 films will go before the cameras. Others are ready for the cameras. As stage space becomes available, additional pictures will be started to keep the studios at peak production for months to come."

Cliff Work, studio head, confirming this, said that five of the 15 early releases will be top bracket films. They are: "Seven Sinners," featuring Marlene Dietrich; "When the Daltons Rode," with a large cast; "Little Bit of Heaven," the first of two Gloria Jean productions; "Riviera," starring Allan Jones, and "Back Street."

A reel of rushes of "The Boys from Syracuse," was screened for the convention this morning. Most of the delegates left tonight.

20th-Fox, Steinbeck Sued Over 'Wrath'

Twentieth Century-Fox, John Steinbeck, Viking Press and Pascal Covici were named defendants yesterday in five suits filed in the N. Y. Supreme Court by Taylor Gordon, who asks \$2,150,000 damages and an accounting.

The actions are predicated on a contention that Steinbeck's "Grapes of Wrath" is a plagiarism, attorneys said. No complaint has been filed.

Carriers' Meeting Discusses Safety

Discussion of new safety regulations promulgated by the Interstate Commerce Commission featured the opening session yesterday of the two-day annual convention of the National Film Carriers Association at the Park Central Hotel. James P. Clark, of New York, president, is convention chairman. Officers will be elected today.

Weather and Fair Hit B'way Grosses

(Continued from page 1)

cording to figures released by Fair officials.

Broadway managers, up to yesterday, had no definite plans for meeting the competition from the Fair. It was generally agreed that the weather would be the determining factor. If the weekends are cloudy or stormy, visitors and New Yorkers will patronize the film houses, it was said, while the Fair will benefit if the weather is good. One manager pointed out, however, that war conditions in Europe will probably bring a great deal of travel to New York, and that the Broadway box-offices also will benefit.

At the Music Hall, it is believed that the normal proportion of tourists will visit the house. Yesterday, about a thousand Fair visitors were identified in the lobby. Employees of the International Business Machine Co., on an excursion to the Fair, wore brightly colored badges and could be distinguished easily.

'My Son' Draws \$56,000 in Four Days

"My Son, My Son!" with a stage show at the Music Hall drew an estimated \$56,000 for its first four days and it will be held for a second week. At the Roxy, "Dark Command" with a stage show grossed an estimated \$21,000 for the first three days, and "Lillian Russell" will follow on Friday. "Buck Benny Rides Again," with Gene Krupa's band and Connie Boswell on the stage, took an estimated \$17,000 over the weekend and should end its third week tonight with an estimated \$30,000. It will be held for a fourth week.

"Saturday's Children" at the Strand, with Guy Lombardo's band, grossed an estimated \$15,000 for the first three days of its second week. "Torrid Zone" with Sammy Kaye's band on the stage will start there Friday. "Suicide Legion" grossed an estimated \$5,500 in its week at the Globe and was followed on Saturday by "Men Without Souls." At the Rialto, "Lights Out in Europe" and "West of Carson City" grossed an estimated \$7,000. "Alias the Deacon" opened there yesterday.

U. A. Plans 22 Features from 13 Producers

(Continued from page 1)

territories. The Western sales staff will convene at the Congress Hotel, Chicago, May 17, 18 and 19, with L. J. Schlaifer, vice-president and Western general sales manager, presiding. The new season's production schedule is as follows:

Charles Chaplin's "Production No. 6."

Samuel Goldwyn's "The Westerner," starring Gary Cooper and directed by William Wyler.

Three Films from Korda

Three from Alexander Korda. The first is "The Thief of Bagdad," in color, with Sabu, Conrad Veidt and June Duprez. Also, "Woman Hunt," starring Vivien Leigh, and "Lady in the Dark," starring Merle Oberon and Melynn Douglas.

Two David O. Selznick productions to be decided upon later.

Two Walter Wanger productions, "Foreign Correspondent," and "The Long Voyage Home." The first will be produced and directed by Alfred Hitchcock, and will have Joel McCrea, Laraine Day, Herbert Marshall, Robert Benchley and Eduardo Cianelli in the cast. John Ford will produce and direct the second, from the play by Eugene O'Neill and adaptation by Dudley Nichols.

Edward Small's "The Corsican Brothers," based on the Alexandre Dumas story.

Five Hal Roach productions. The first, "Road Show," based on the Eric Hatch novel, with Walter Connolly; then "Niagara Falls," with John Hubbard, Carole Landis and Billie Burke; "Topper Returns," with Roland Young and Billie Burke; "The Unholy Horde," with Lon Chaney, Jr., directed by Richard Wallace, from the screenplay by Grover Jones, and "Broadway Limited," Grover Jones' screenplay, with Victor McLaglen and Victor Mature.

A Sol Lesser production, to be decided later.

An Ernst Lubitsch production, to be presented by Sol Lesser.

Two productions from David L. Loew and Albert Lewin. They are "Flotsam," based on the Erich Maria Remarque novel, starring Fredric March and directed by John Cromwell, and screenplay by Talbot Jennings, and "Night Music," based on the new play by Clifford Odets.

A James Roosevelt production, "Pot o' Gold," suggested by the radio program, with Horace Heidt's orchestra.

A Richard Rowland production, "Cheers for Miss Bishop," based on the novel by Bess Streeter Aldrich.

A Gabriel Pascal production, George Bernard Shaw's "Major Barbara," with Wendy Hiller and Robert Morley.

Charter 3 Firms

ALBANY, May 13.—Three new firms incorporated here include: Boyar Associates, Inc., by Edmund Souhami, Mark I. Finkelstein and S. L. Lang, New York; Hopkinson Theatres, Inc., by S. L. Draisin, Jeanne Greengold and Frieda Dorn, New York, and Repeatoscope, Inc., by G. W. S. Cherrington, George A. and Henry M. Eden, New York.

Hollywood Review

"Our Town"

(U. A.-Sol Lesser)

HOLLYWOOD, May 13.—Sol Lesser's first production for United Artists release held a Hollywood preview audience of press and profession in rapt and admiring attention, evoked a virtually unanimous verdict of approval and set up two schools of thought on the subject of market acceptance. Solidly banked on one side were those who held that so fine a presentation of small town life in America cannot fail to win tremendous public patronage. Opposing, on technical grounds and none too stoutly, were those who pointed out that an audience must be present at the start of the picture to comprehend fully the unique technique employed in its narration and thus derive full benefit of production innovations applied. Both groups pronounced it a film-making achievement of distinction.

Filmed from Thornton Wilder's widely known stage play, produced on Broadway and elsewhere with barren stage and with Frank Craven as both player and narrator explaining settings, time lapses, etc., the Lesser picture, directed by Sam Wood, utilizes settings in the customary manner but retains Craven's dual function, the actor appearing first as a small town citizen addressing the audience from the screen in chatty manner and telling what the picture is to be about. He continues in this capacity, calls upon citizens of the town to address the audience likewise, and to answer audience questions, taking part in the picture later on as the town druggist and closing it with a final speech to the audience. It is a most unusual device, easy to comprehend if witnessed from the start, and a most effective one if response of the preview audience may be taken as indicative.

Scene of the picture is New Hampshire in 1901 and the dozen years following. Life as lived in the small town of Groves Corners is depicted in terms of two neighboring families and their associates. A wide range of vital subjects is dealt with, attention coming to focus on the simple romance, marriage and subsequent experiences of a girl and boy. Presented as a high point and with impressive effect is the wife's imaginings during a coma accompanying childbirth, wherein she believes she has died and returned to the scene of her girlhood.

William Holden and Martha Scott are tellingly successful in their portrayals of the boy and girl who become man and woman, husband and wife, in the course of the picture, but the performances of Frank Craven, Fay Bainter, Thomas Mitchell, Guy Kibbee, Beulah Bondi, and Stuart Erwin are classic. Others in the large cast are Doro Merande, Philip Wood, Ruth Toby, Douglas Gardner, Arthur Allen, Charles Trowbridge, Spencer Charters, Dix and Tim Davis. The screenplay, by Thornton Wilder, Frank Craven and Harry Chandler, is a fine example of intelligent, temperate, dramatic writing.

Running time, 90 minutes. "A."*

ROSCOE WILLIAMS

*"A" denotes adult classification.

Publicists Guilds Talk Cooperation

(Continued from page 1)

in Hollywood, New York and in other cities where a group of members can be formed. The other provides for separate guilds with a national committee drawn from both memberships to pass on joint problems. No affiliation with a national labor organization is contemplated, Bode said.

The question of organizing theatre advertising and publicity men has been considered but it is not likely that there will be any immediate decision on the inclusion of theatre employees.

After the meeting, Bode who represents six other guilds besides the S. P. G., will leave for Washington where he expects to confer with Congressional committees about proposed changes in the Wage and Hour Law and the Wagner Act. The guilds he represents are opposed to the changes, he said.

Fomeen to Coast

Basil Fomeen will leave for the Coast late this month following a 10-month engagement at the Glass Hat in the Belmont Plaza.

Armour Sees U. S. Continuing Abroad

(Continued from page 1)

erate efficiently with employees not of military age. He said that the company had lost several print shipments through the sinking of ships en route to Sweden.

Holland, which formerly had been the print terminal for all points in Europe, has been abandoned as a shipping center since the German invasion, Armour said.

He will remain here for RKO's annual sales convention at the Waldorf-Astoria beginning May 27, and then will return to his Paris office.

Caron Suit Stays

Application of RKO to dismiss the suit of Caron Corp., perfume manufacturer, was denied yesterday by N. Y. Supreme Court Justice Bernard L. Shientag with leave to renew. RKO is charged with "disparaging" plaintiff's perfume in the film, "Primrose Path." Ground for the denial was that Caron had amended its complaint since the application was brought.

46 Pictures Now in Work In Hollywood

HOLLYWOOD, May 13.—Forty-six pictures are before the cameras this week, as 12 finished and 10 started. Twenty-five are being prepared, and 64 are being edited.

The tally by studios:

Columbia

In work: "Arizona," "Girls of the Road," "The Howards of Virginia," "Out West with the Peppers," "Blondie Beware."

Started: "Durango Kid."

M-G-M

Finished: "Phantom Raiders," "The Captain Is a Lady."

In Work: "Boom Town," "Strike Up the Band," "I Love You Again," "One Came Home," "Gold Rush Maisie," "To Own the World."

Started: "Escape."

Monogram

Finished: "Amateur Detective."

RKO

Finished: "Millionaires in Prison," "Cross Country Romance."

In Work: "Lucky Partners," "Have It Your Own Way," "Dreaming Out Loud," "Dr. Christian's Diet."

Started: "Stage to Chino."

Republic

Finished: "Grand Ole Opry," "Carson City Kid."

Roach

In Work: "Captain Caution."

Edward Small

In Work: "South of Pago Pago."

20th Century-Fox

Finished: "Four Sons," "Girl from Avenue A," "Public Deb. No. 1," "Pier 13."

In Work: "Brigham Young," "The Return of Frank James," "I Married a Nazi."

Universal

In Work: "The Boys from Syracuse," "Black Diamonds."

Started: "Junior G-Men," "I'm Nobody's Sweetheart Now," "A Modern Monte Cristo," "Slightly Tempted."

Wanger

In Work: "The Long Voyage," "Foreign Correspondent."

Warners

In Work: "The Life of Knute Rockne," "The Sentence," "Episode," "They Drive by Night," "No Time for Comedy."

Started: "The Man from Fleet Street."

Sig Neufeld

Finished: "Frontier Crusader."

Dubinsky Acquires St. Joseph Theatre

KANSAS CITY, May 13.—Ed. Dubinsky-Durwood, head of the Dubinsky Brothers circuit, has bought the Electric, downtown house in St. Joseph, Mo., second run, from Frank C. Grubel of Kansas City, Kan. Durwood, through the Richard Murk Amusement Co., his own corporation, paid \$75,000 cash and assumed a \$125,000 mortgage on the Electric property. The theatre has been operating under Dubinsky management for several years. Dubinsky Brothers control the first run situation in St. Joseph.

With the sale of the Electric Grubel retains only one house, the Paramount at Joplin, Mo.

Hollywood Reviews

"Waterloo Bridge"

(M-G-M)

HOLLYWOOD, May 13.—Notable, market wise, as Vivien Leigh's first picture since "Gone With the Wind," a circumstance likely to prove of considerable box-office significance if the reception given David O. Selznick's first picture since then ("Rebecca") is indicative, "Waterloo Bridge" is a film dealing wholly with matters of adult interest. Not only as the first picture to be directed by Mervyn LeRoy since relinquishing of his producer post, it is a finely wrought piece of merchandise finely acted by a cast whose names mean much on a marquee. It is, additionally, of a timeliness and immediacy seldom achieved, dealing with the effects of war (specifically World Wars I and II) upon the lives and love of a man and woman.

Miss Leigh is given extensive opportunity to display her talent for emotional acting and makes the most of it. Robert Taylor's performance as the man she loves but does not marry is doubtless his best to date. Virginia Field, Maria Ouspenskaya, C. Aubrey Smith, Lucile Watson and Janet Shaw head a large supporting cast.

Based on Robert E. Sherwood's stage play of the same title, "Waterloo Bridge" opens with Taylor leaving London for the front at the outbreak of World War II. He pauses on Waterloo Bridge to recall his similar leave taking for World War I and events thereafter, which comprise the major portion of the film. Time rolls back to about 1916 when Taylor, on leave, meets Miss Leigh, a ballet dancer, on Waterloo Bridge, goes with her to an air raid shelter, comes later to the theatre where she is appearing, takes her to a dance club, says goodbye, then returns next morning determined to marry her before leaving for the front.

Wartime restrictions on marriages prevent the wedding and poverty through unemployment brings hardship to Miss Leigh while Taylor is at war. She remains faithful to him, however, until after reading of his death in action. Meanwhile her roommate, Miss Field, has resorted to practice of "the world's oldest profession" as a means of livelihood and, learning of this, Miss Leigh does likewise. After a year or more, she is meeting the returning troops at Waterloo station, in quest of customers, when Taylor, erroneously reported dead, gets off the train, greets her joyously and sweeps her off to his ancestral estate where she is welcomed by his mother and relatives as his bride-to-be. In these surroundings she decides that she is not a fit person to be his wife and, after telling his mother the truth, returns to London and commits suicide on Waterloo Bridge. Although the "oldest profession" is dealt with explicitly and at considerable length, it is not presented as pleasant or profitable.

S. N. Behrman, Hans Rameau and George Froeschel wrote the screen play and Sidney Franklin produced. The picture is strictly for adults.

Running time, 103 minutes. "A."*

ROScoe WILLIAMS

*"A" denotes adult classification.

"La Conga Nights"

(Universal)

HOLLYWOOD, May 13.—A farce with music, "La Conga Nights" features Hugh Herbert in six roles, five of them feminine. The comedian appears as a music loving millionaire who is head of a real estate firm, and as his own mother and four of his sisters, all possessing varying degrees of eccentricity.

An original by Jay Dratler, Harry Clork and Paul Smith, the story concerns the transposition of a boarding house into a night club, after other efforts to save the house from mortgage holders have failed. The farce elements are stressed, with romance provided by Dennis O'Keefe and Constance Moore. Ferike Boros is seen as the light hearted owner of the boarding house, Joe Brown, Jr. as her son. Also cast are Eddie Quillan, Armida, Sally Payne, Frank Orth and Barnett Parker.

Lew Landers directed and Ken Goldsmith was associate producer, while Frank Skinner and Sam Lerner wrote three songs for the picture.

Running time, 60 minutes. "G."*

W. S.

*"G" denotes general classification.

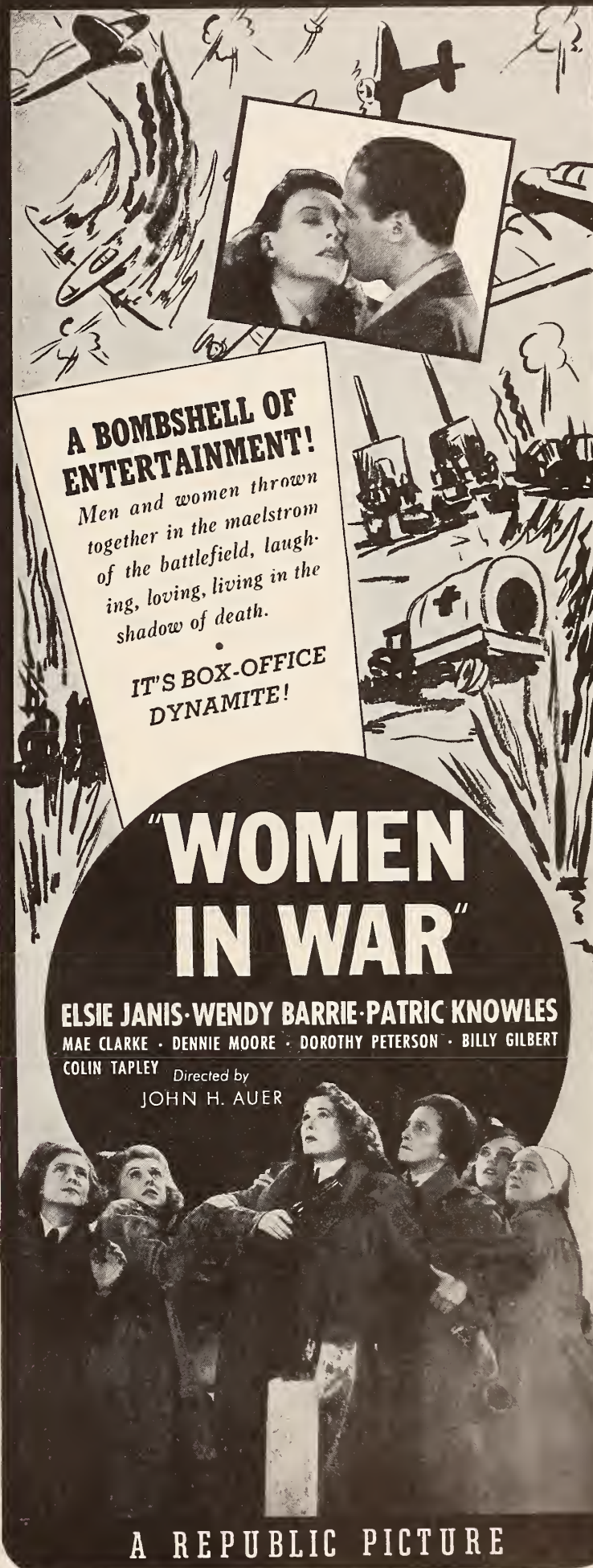
Wilcox, Neagle to Tour

Anna Neagle, star, and Herbert Wilcox, producer of the RKO film, "Irene," will make a personal appearance tour with the film, covering Philadelphia, Indianapolis, New York, Chicago, Louisville, Cleveland and Pittsburgh.

Plan Museum Concerts

The Museum of Modern Art is sponsoring a series of concerts for the first time. Dr. Carlos Chavez, Mexican conductor and composer, will direct the first three, May 16, 17 and 18.

THE EMOTIONAL "BIG PARADE" OF 1940



A BOMBSHELL OF ENTERTAINMENT!
Men and women thrown together in the maelstrom of the battlefield, laughing, loving, living in the shadow of death.

IT'S BOX-OFFICE DYNAMITE!

"WOMEN IN WAR"

ELSIE JANIS · WENDY BARRIE · PATRIC KNOWLES
MAE CLARKE · DENNIE MOORE · DOROTHY PETERSON · BILLY GILBERT
COLIN TAPLEY Directed by JOHN H. AUER

A REPUBLIC PICTURE

Short Subject Reviews

"Television Preview"

(Paramount)

The possibilities of television are illustrated here, with a note of optimism for the new art expressed. Television is pictured bringing to film audiences added entertainment with spot news, and receiving the full attention of audiences at home. A program featuring Lanny Ross is shown being televised under the supervision of Allen B. DuMont and others of the DuMont company. Bob Hope, Bob Burns and Akim Tamiroff appear in brief skits. In its serious moments, the short is enlightening and interesting. The Hope and Burns humor is entertaining. Running time, 10 mins.

"You Ought to Be in Pictures"

(Warners)

Producer Leon Schlesinger, cartoon character Porky Pig and actual motion pictures play a part in this "Looney Tune." Porky breaks his contract with Schlesinger to advance himself from the cartoon to the feature. At the big studio he finds, among other things, an irate gate guard and a raging director. Returning to Schlesinger, Porky discovers he had been victimized by a colleague, Daffy Duck, and acts accordingly. Should provide laughs. Running time, 7 mins.

"Larry Clinton and His Orchestra"

(Warners)

The "Dipsy Doodler" orchestra of radio and stage fame renders both swing and conservative numbers with Bea Wain and the Philharmonics. Gower and Jeanne, dance team, also are on the bill. The photographic effects are well above average. The setting is in a night club. Running time, 10 mins.

"A Gander at Mother Goose"

(Warners)

Satirical versions of the popular characters from Mother Goose fables, Humpty Dumpty, Jack and Jill and others, are presented in this Merrie Melody in color. It outlines the adventures for which they are famous, with a comic slant in each case. Cleverly handled, the short should register favorably with adults as well as children. Running time, 7 mins.

"Gun Dog's Life"

(Warners)

This subject, on hunting with the aid of dogs, is splendid and instructive. It is in color. Various types of hunting dogs, including setters and a Labrador Retriever, are shown at work with the hunter. Of the Color Parade classification, the scenic background is emphasized. Running time, 10 mins.

Form Radio Company

DOVER, DEL., May 13.—Mercer Broadcasting Co. has been formed here to deal in broadcasting, etc., with a capital of \$100,000, par \$100.

Off the Antenna

TELEVISION spent a rather difficult day at the races yesterday but had the satisfaction of introducing a new sport to the video audience in this country. Transmission was marred by considerable interference from machine static. Except for those who had some financial stake in the results, it was a relatively poor show.

Faced with the necessity of providing some entertainment between races, NBC placed one camera chain in the paddock where a fashion show took place. The races themselves were covered by only one camera perched atop the clubhouse at Belmont Park and it was impossible to distinguish between horses as neither their numbers nor the colors of the jockeys were visible. As a matter of fact, until the horses reached the home stretch, little action was visible at all. Clem McCarthy handled the commentary and it was essentially an aural rather than visual show. It was necessary to pan the camera back and forth across a half mile once when a jockey was unseated and the movement was so fast it must have made more than one member of the audience dizzy.

Two things were obvious from yesterday's demonstration: some form of entertainment is needed between races; and it will take two, and possibly three, cameras to do an adequate job.

Personals: Max Jordan, NBC European representative, who arrived here over the weekend, plans to leave by Clipper on Saturday. . . . E. P. H. James, NBC advertising manager, speaks before the General Motors Executive Club in Detroit today on "U. S. Broadcasting, International Short Wave and Television." . . . Wallace West of the NBC press department has written another radio drama, "The Great Northwest Conspiracy," which will be heard over NBC-Blue at 10 P.M. Friday.

Passengers aboard the *President Roosevelt* en route to Bermuda were treated to a television view of the opening of the New York World's Fair on Saturday. The signal was received until the ship was 100 miles out, when it started to fade. The signal disappeared completely at 120 miles. Six receivers were installed in various parts of the ship, and a wired program from a transmitter on board continued the program after the NBC signal disappeared. RCA and NBC plan a television demonstration in Bermuda.

The working agreement between the networks to keep each other advised when they plan to stay on the air all night for war news functioned perfectly during the latest crisis. After remaining on the air throughout the morning hours Friday, it was agreed to shut down at 2 A.M. Saturday, and the schedule was continued over the weekend.

Varied treatment of the same news flash by announcers is noticeable at a time such as this. While one reads the flash in staccato style, attempting to build audience reaction and attention by the tone of his voice, another reads it factually and calmly.

Programs: Philco, which sponsors Wythe Williams on WOR and WAAB, relinquished its usual commercial announcements on Friday to permit a coast-to-coast hookup over Mutual on the latest war news. Philco confined the commercial to a brief announcement. . . . "Standard Symphony Hour" and "Standard School" broadcast, musical features on the NBC Pacific Coast network were awarded bronze plaques by Phi Beta, national professional women's sorority of music and dramatic art, in recognition of "highest artistic merit." . . . A preview of next season's international "American School of the Air" will be presented on Thursday by CBS at 3:35 P.M. before the Eighth American Scientific Congress in Washington. . . . Nestle-Lemur Co. yesterday renewed its participations in "The Woman of Tomorrow" for 13 weeks over WJZ. . . . In addition to WNEW, WHN will carry the premiere of "Edison, the Man" from East Orange on Thursday. . . . Swift & Co. will broadcast a sales meeting of distributors and salesmen on behalf of "Prem" over 47 Mutual stations on Saturday at 10 A.M. with a repeat broadcast at noon. . . . "Keep Fit to Music" has acquired sponsors on four additional Mutual stations, bringing the total to eight outlets. Union Pharmaceutical is the latest to sign.

20th-Fox Meeting May 27

The next meeting of the board of directors of 20th Century-Fox will be held on Monday, May 27. Board meetings are scheduled usually for the Thursday following the last Monday of each month. That date this month is May 30, a holiday.

Dinner for Freeman

SPRINGFIELD, Mass., May 13.—The Civic and Business Men's Club tendered George Freeman, Poli Theatre manager, a welcome home dinner tonight at the Bridgeway Hotel. Freeman has been on sick leave.

Unveil Krellberg Stone

A monument to the memory of Alfred S. Krellberg, late film attorney, will be unveiled at Mt. Hebron Cemetery, Flushing, L. I., on Sunday at 2 P. M.

Fight Union Settlement

ST. LOUIS, May 13.—A motion attacking the stipulation intended to solve the tangled affairs of operators' Local 143, has been filed in the Circuit Court here by seven intervenors in the union's receivership suit, who asked that the stipulation be stricken from the court files.

Para. Signs Russell

HOLLYWOOD, May 13.—William Russell, dramatic coach, has been signed by Paramount to aid William Meiklejohn, new head of the talent and casting department.

W. C. Meagher Dies

SEATTLE, May 13.—W. C. Meagher, veteran theatre auditor of this territory, died at his home here after an illness of several months. He is survived by his widow.

FCC Approves KOB Increase of Power

WASHINGTON, May 13.—The Federal Communications Commission has authorized KOB, Albuquerque, N. M., to increase power from 10,000 to 50,000 watts and granted experimental authority for international broadcast station WRCA, Bound Brook, N. J., to operate an additional 35,000-watt amplifier in parallel with the regular 35,000-watt amplifier, to give it an effective operating power of 70,000 watts.

Other changes in station facilities authorized by the commission included: WIOD-WMBF, Miami, increase of power from 1,000 to 5,000 watts; KTAR, Phoenix, Ariz., increase of power from 1,000 to 5,000 watts; WBAB, Atlantic City, increase of night power from 100 to 250 watts; WFBL, Syracuse, N. Y., increase of night power from 1,000 to 5,000 watts; KORN, Fremont, Neb., increase of night power from 100 to 250 watts, and KBKR, Baker, Ore., increase of night power from 100 to 250 watts.

The commission also authorized the move of international broadcast station WPIT from Saxonburg, Pa., to Hull, Mass., with an increase in power from 40,000 to 50,000 watts.

Applications of the Arlington Broadcasting Corp. for a new 1,420-kilocycle, 250-watt station at Arlington, Va., and of WHIP, Hammond, Ind., for increase of time from specified hours to unlimited, were designated for hearing at dates to be set later.

CEA Claims Metro Broke Price Pact

LONDON, May 13.—The Cinematograph Exhibitors Association over the weekend continued its campaign for reduced rentals, issuing another pamphlet asking M-G-M whether it was a party to the trade agreement of last November not to raise film prices.

The C. E. A. contended that a film shortage exists, and disputed the contention of Metro and the trade press here that the controversy over "Gone With the Wind" should not have been made a public matter. The exhibitor group's pamphlet added "Balalaika" to the list of films considered unworthy of 50 per cent rental.

'Lobby Producer' Sues W. B., N. S. S.

Suit for damages and an accounting was filed yesterday in the N. Y. Supreme Court by Dave Elman, producer of the "Hobby Lobby" radio program, against Warners and National Screen Service. Elman contends that the defendants' film, "Everybody's Hobby" had been exploited and presented in a manner which "unfairly competed" with the radio show.

Engineers to Meet

The Atlantic Coast Section of the Society of Motion Picture Engineers will meet tomorrow evening at the Hotel Pennsylvania. D. T. Lorange of Erpi will speak on "Signal Noise Ratio in Recording Methods and Technique—Past, Present and Predictions for the Future."

N. J. Allied Meet May 21

The Neely bill hearings in Washington will be discussed at a meeting of Allied of New Jersey here May 21.

'Mistake' and Show \$12,500 Denver Gross

DENVER, May 13.—With a stage show, "Comedie Francaise," doing much of the pulling, "Opened By Mistake" at the Denham easily led Denver with \$12,500. "Of Mice and Men" and "Saps at Sea" drew \$4,500 at the Paramount.

Estimated takings for the week ending May 8:

"My Son, My Son" (U. A.)
 "High School" (20th-Fox)
 ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$4,000. (Average, \$3,500)
 "Primrose Path" (RKO)
 "Ghost Comes Home" (M-G-M)
 BROADWAY—(1,040) (25c-35c-40c) 7 days, 2nd week at the Orpheum. Gross: \$2,500. (Average, \$2,500)
 "Opened By Mistake" (Para.)
 DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: \$12,500. (Average, \$6,000)
 "Till We Meet Again" (W. B.)
 "Angel From Texas" (W. B.)
 DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$9,000. (Average, \$9,000)
 "Forty Little Mothers" (M-G-M)
 "Two Girls on Broadway" (M-G-M)
 ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$7,000. (Average, \$8,000)
 "Of Mice and Men" (U. A.)
 "Saps at Sea" (U. A.)
 PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,500. (Average, \$3,500)
 "It's a Date" (Univ.)
 "Granny Get Your Gun" (W. B.)
 RIALTO—(878) (25c-40c) 7 days. "Date" 3rd week. Gross: \$2,000. (Average, \$1,750)

Theatre Changes

Acquire Brooklyn House

The Paras Court, 600-seat theatre in Brooklyn, formerly operated by Codel Theatres, Inc., has been acquired by the Court De Graw Amusement Corp. Joseph Parascandola is head of the latter company.

Herz Takes Bronx Crest

Heart Theatre Corp., of which Howard Herz is president, is the new operator of the Crest, 1145 Ogden Ave., Bronx.

Opening on Staten Island

Dan Caputo, new owner of the Lyceum, South Beach, S. I., will open the house on May 24 for the summer.

To Open Eighth St. House

The new 600-seat Art Theatre, 36 E. 8th St., will be opened Sept. 1 by the Eighth St. Realty Co.

Operating Brooklyn House

Lomac Theatres, Inc., principals of which are Max Cohen and Louis Goidel, is now operating the Lido, 265 Court St., Brooklyn.

Manhattan House Closed

The Century, 1,000-seat house at 189 Second Ave., Manhattan, has closed.

Opens Providence Drive-In

PROVIDENCE, May 13.—E. M. Loew's Drive-In Theatre, 700-car outdoor house, has opened here for a fourth season. W. D. McGhee is back as manager.

Takes Delaware House

CLAYMONT, Del., May 13.—Herman Silver, who operates a house at New castle, Del., has taken over the local Green Lantern, renaming it the Don.

Alexander Korda Sets Coast Production Staff

HOLLYWOOD, May 13.—ALEXANDER KORDA, who will produce at least two pictures this year in Hollywood, has announced his staff as follows: EMANUEL SILVERSTONE, business representative; MORRIS HELPRIN, assistant in production; BASIL BLECK, legal counsel; JACK OKEY, production manager, and WILLIAM HORNBECK, film editor. . . . ANDREW L. STONE will shoot scenes for Paramount's "Interlochen" in New York City, Michigan, Colorado and northern California. . . . CHARLES RUGLES draws a featured role in Warner's "No Time for Comedy." . . . "Road to Rio," original story by DON HARTMAN and SY BARTLETT, has been added to the list of possible vehicles for BING CROSBY and BOB HOPE at Paramount.

DICK FORAN joins Paramount's "Rangers of Fortune" cast. . . . RKO has purchased "The Valley of the Sun," CLARENCE BUDINGTON KELLAND novel, for which JOEL MCCREA is being sought. ROBERT SISK will produce. . . . GEORGE CUKOR is currently preparing to direct "The Philadelphia Story" as his next M-G-M directorial assignment. . . . CAROLE LANDIS, borrowed from Hal Roach; HERBERT WILCOXON and ONSLOW STEVENS draw the leads in Paramount's "Mystery Ship." . . . 20th Century-Fox has purchased "Heil Jenny!" by JUNE EBERLE and "Breath of Discipline" by ELIZABETH LIGETI and ARTHUR SCHAEFFER for SOL M. WURTZEL productions.

The next directorial effort of WILLIAM A. SEITER, who will also produce at Universal, is "Hired Wife," which will have a cast headed by BRIAN AHERNE, VIRGINIA BRUCE and ROSALIND RUSSELL, according to present plans. . . . RICHARD THORPE, who directed "20 Mule Team," will direct WALLACE BEERY in M-G-M's "Wyoming."

Disney Is Defendant In Coast Patent Suit

LOS ANGELES, May 13.—Vincent L. Whitman, New York inventor, has filed a patent infringement suit against Walt Disney Productions, Inc., in Federal Court here, asking \$10,000,000.

Whitman charged that Disney infringed his patents, which he said made it possible "to create third dimension effects necessary in making full length animated cartoons." He asked an injunction to prevent further showings of "Snow White" and "Pinocchio" and an accounting of profits.

Variety Club Fund Distribution July 1

PITTSBURGH, May 13.—Allocation of \$400,000 in charity funds will be made about July 1, according to national Chief Barker John H. Harris. Pledges are now being received from the various tents. Last year, national Variety raised \$60,000 more than it pledged for charitable purposes.

Scheduled to be formally admitted June 3, a new tent in Oklahoma City plans to build a hospital wing for children to cost \$25,000.

M-G-M is planning to make a picture on the life of the only American president against whom impeachment proceedings were started—ANDREW JOHNSON. WELLS ROOT has been assigned to write the screenplay for the film, now titled "The Man on America's Conscience." . . . JOAN BLONDELL has been signed by AL WOODS for the lead in his forthcoming stage play, "Sex Takes a Holiday," which, after rehearsals here this month, opens in San Francisco as first point in a cross country tour which will bring it to New York. . . . GRANVILLE BATES, because of his work in RKO's "My Favorite Wife," draws a role in the same studio's "Men Against the Sky." . . . RICHARD GAINES, who followed RAYMOND MASSEY in the stage production of "Abe Lincoln in Illinois," has been signed by Frank Lloyd Productions for "The Howards of Virginia." . . . ELEANOR POWELL draws a contract extension at M-G-M.

Two Exchanges Merged

PHILADELPHIA, May 13.—A deal was completed today for the merger of the Fine Arts Pictures and Preferred Pictures exchanges here. The Fine Arts name and offices will be retained, with Herbert W. Given continuing as manager and Charles Donahue, Preferred manager, coming in as chief booker and salesman. Mrs. Herbert Given is secretary-treasurer of the corporation.

'Mule' Leads, Los Angeles Grosses Slip

LOS ANGELES, May 13.—Grosses were generally off here, with "20 Mule Team" and "Free, Blonde and 21" taking \$25,000 at two houses. "Rebecca," in its sixth week at the 4 Star, accounted for \$7,000.

Estimated takings for the week ending May 8:

"Gone With the Wind" (M-G-M)
 CATHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 19th week. Gross: \$9,500. (Average, \$17,000)
 "20 Mule Team" (M-G-M)
 "Free, Blonde and 21" (20th-Fox)
 CHINESE—(2,500) (30c-75c) 7 days. Gross: \$10,000. (Average, \$12,500)
 "Rebecca" (U. A.)
 4 STAR—(900) (40c-55c) 7 days, 6th week. Gross: \$7,000. (Average, \$3,250)
 "The Doctor Takes a Wife" (Col.)
 "Double Alibi" (Univ.)
 HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: \$6,000. (Average, \$6,500)
 "20 Mule Team" (M-G-M)
 "Free, Blonde and 21" (20th-Fox)
 LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$15,000. (Average, \$14,000)
 "The Doctor Takes a Wife" (Col.)
 "Double Alibi" (Univ.)
 PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: \$6,000. (Average, \$7,000)
 "Buck Benny Rides Again" (Para.)
 PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: F. & M. revue, Clarence Stroud, Garwood Van and orchestra. Gross: \$15,000. (Average, \$18,000)
 "Saturday's Children" (W. B.)
 "The Man With Nine Lives" (Col.)
 WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: \$8,800. (Average, \$14,000)
 "Saturday's Children" (W. B.)
 "The Man With Nine Lives" (Col.)
 WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: \$8,600. (Average, \$12,000)

The CROOKED ROAD

with EDMUND LOWE • IRENE HERVEY HENRY WILCOXON • PAUL FIX

Directed by Phil Rosen

A REPUBLIC PICTURE

"You were in Gobel's house that night! You put susanic acid into this bottle!"



Thunderous nationwide acclaim awaits Vivien Leigh and Robert Taylor!

YESTERDAY M-G-M SCREENED "WATERLOO BRIDGE!"

Everything you've heard is true!

They cheered, stamped, whistled in M-G-M's delirious projection room yesterday!

The first East Coast screening confirms California's sensational Preview!

Vivien Leigh and Bob Taylor are glorious!

In a love-drama that makes pulses leap!

Gentlemen, here's your next box-office bombshell!

with Lucile Watson, Virginia Field, Maria Ouspenskaya, C. Aubrey Smith • A Mervyn LeRoy Production
Screen Play by S. N. Behrman, Hans Rameau and George Froeschel • Based on the Play "Waterloo Bridge" by Robert E. Sherwood • Directed by MERVYN LeROY • Produced by SIDNEY FRANKLIN

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Intelligent
and
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to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
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VOL. 47. NO. 96

NEW YORK, U. S. A., WEDNESDAY, MAY 15, 1940

TEN CENTS

Ask U.S. Firms Aid Mexicans In Production

Unions Petition for Law To Force Investment

By JAMES LOCKHART
MEXICO CITY, May 14.—Mexican film labor unions have petitioned President Lazaro Cardenas demanding a Federal law to compel American and other distributors to invest 25 per cent of their annual profits in the Mexican film production industry.

The annual profits of all American companies are estimated at from \$1,340,000 to \$1,700,000. The demand calls for the investment either through the financing of Mexican producers, the purchase of native Mexican pictures or by direct production here by American companies.

Under the plan proposed by the powerful labor factions, distributors would be allowed to own outright any pictures they would finance, with the privilege of handling them as they see fit. The unions cite the fact that most nations have laws protecting their in-

(Continued on page 5)

Majors Halt Films To Low Countries

Virtually all major film companies have discontinued shipments of new films into Belgium and Holland due to a complete stoppage of remittances from those countries, it was learned yesterday.

Shipments were ended in line with a new policy in force within most major company foreign departments which bars expenditures on new prints for markets from which remittances cannot be obtained. Foreign departments reported, however, that remit-

(Continued on page 5)

AFL Makes Demands For Office Workers

Hollywood, May 14. — Demands for closed shop and minimum wages for Central Casting Corp. office workers today were presented to the producers by the American Federation of Office Employees, Local 20,798. The union is chartered directly by the A.F.L. and marks the first move by the Federation for office workers in the film industry.

Balaban's Salary \$236,635 in 1939; Seek Same Board

Reelection of Paramount's board of directors of 16 members for a one-year term is proposed in the company's proxy statement distributed to shareholders yesterday with notice of the annual meeting of stockholders, to be held at the home office June 18.



Barney Balaban

Directors are Neil F. Agnew, Barney Balaban, Stephen Callaghan, Y. Frank Freeman, Harvey D. Gibson, A. Conger Goodyear, Stanton Griffis, Duncan G. Harris, John D. Hertz, John W. Hicks, Jr., Austin C. Keough, Earl I. McClintock, Maurice Newton, E. V. Richards, Edwin L. Weisl and Adolph Zukor.

The proxy statement reports that Balaban, as Paramount president, received aggregate remuneration from Paramount and its subsidiary, Balaban & Katz, amounting to \$236,635 during the year ending Dec. 30, 1939, one of the three highest aggregate amounts of remuneration paid by the company. Of

(Continued on page 4)

NEELY BILL FACES HOSTILE QUIZZING

Denial of 20th-Fox Motion Held Likely

Federal Judge Henry W. Goddard yesterday told attorneys that he was "inclined" to deny an application of 20th Century-Fox to dismiss the Government's anti-trust suit against 19 of its officers and directors, after reserving decision on the motion.

The court assured John F. Caskey, attorney for 20th Century-Fox, that "careful consideration" would be given to the merits of the move before a decision is rendered. Judge Goddard stated that he was "merely giving his offhand impression" and allowed attorneys until May 24 to file briefs.

Caskey argued that a dismissal is warranted because, he said, the Government had failed to produce evidence that any of the defendants had committed acts of conspiracy. The Government's complaint, its bill of particulars and its answers to interrogatories had in no way implicated these defendants, Caskey asserted.

The Government has never claimed that the 133 individuals listed as defendants were guilty of personal violations of the anti-trust laws, Special Assistant Attorney General Paul Williams responded. The Department of

(Continued on page 4)

Members Grill Atkinson; Committee Indicates Adverse Reaction

WASHINGTON, May 14.—Block booking legislation tonight appeared to be heading for oblivion after the House Interstate and Foreign Commerce Committee, in a two and one-half hour grilling of Henry R. Atkinson, one of the framers of the measure, developed that the measure is full of holes.

With not a single member of the committee coming to the defense of the bill, observers agreed that today's hearing—the second day of the proceedings—was the most searching examination which has yet been made into the mechanics of the proposed law, and that the questioning indicated that there is little hope for favorable action on the measure unless it is extensively rewritten.

Atkinson, a Boston attorney, represents the Motion Picture Research Council. A tentative calendar prepared for the committee today disclosed that the public groups have 19 more witnesses to present, most of whom will use but a few minutes. However, the first two witnesses, Mrs. Mary T. Bannerman and Atkinson, due to take one hour and 40 minutes,

(Continued on page 4)

Selznick Eliminates Blind Selling on His Pictures

David O. Selznick yesterday informed the United Artists Eastern and Canadian sales staffs in convention at the Waldorf-Astoria here that his future U.A. releases will be sold after completion and that no exhibitor will be asked to sign a contract until after seeing them.

Selznick declared that for many years he has opposed block booking and explained that his films have always been sold separately, but until now his contracts have in large part been taken in advance of production.

U.A. officials noted that having pictures available for screening before they are sold marks a complete departure in film distribution.

Selznick in addressing the meeting termed higher admissions "a necessity" this season and urged salesmen to prepare themselves for greater competitive efforts to obtain better playing

terms and extended runs for better product.

Dependence of the industry on domestic revenue was emphasized to the convention.

Company producers and sales executives pointed out that the industry's domestic sales organizations will be counted upon for more intensive selling efforts than ever before to offset lost foreign markets. On the success of their efforts will depend the future of quality product and, perhaps, of the industry itself, the convention was told.

Lynn Farnol, United Artists advertising and publicity director, discussed plans for campaigns which will have as their objective the re-winning for new season pictures of the 25,000,000 lost in patronage weekly since 1930. He pointed out that "Gone With the

(Continued on page 5)

UA Loses Dismissal Plea in Folley Suit

Application of United Artists to dismiss the anti-trust suit of Folley Amusement Holding Corp. was denied yesterday by Federal Judge Vincent T. Leibel. Folley is seeking \$750,000 in triple damages against the eight majors, Randforce Amusement Corp., Republic and Monogram, claiming that inability to obtain product had

(Continued on page 4)

Coast Guilds Name Neely Spokesmen

Hollywood, May 14. — The Screen Writers Guild today announced the appointment of Ralph Block as its representative at the Neely bill hearings in Washington late this month. He will speak in opposition to the measure.

The Screen Directors Guild will be represented by Irving Cummings or John Ford, also in opposition.

Canada Showing Pictures at Fair

The Canadian Government has opened a theatre in the Canadian Building at the New York World's Fair. The theatre has been air-conditioned, and special lighting effects have been installed. Frank Badgley, director of the Government Motion Picture Bureau, has been appointed booking supervisor for the duration of the Fair.

Kent Goes to Coast Friday; Schenck Here

Sidney R. Kent, president of 20th Century-Fox, will leave Friday for the studio for production conferences with Darryl F. Zanuck, vice-president in charge of production. Details in connection with the 1940-41 program will be considered.

Joseph M. Schenck, chairman of the board, arrived from the Coast yesterday by plane.

Lesser at White House

Sol Lesser and James Roosevelt went to Washington last night, where Lesser screened his latest production, "Our Town," at the White House after dining with President and Mrs. Roosevelt.

Named to Conference

J. Robert Rubin, David O. Selznick, Francis Harmon and Lowell Thomas have been elected to the national committee of the National Conference of Christians and Jews.

Personal Mention

GEORGE J. SCHAEFER, president of RKO, left the Coast yesterday by train and is due here Saturday morning.

ARTHUR KNORR, HAL HORNE, J. J. MILSTEIN, BERNARD BRANDT, JACK COHN and JACK MILLS at Lindy's (51st St.) for lunch yesterday.

FRANK DONOVAN, vice-president of Pathe News, and WALTON C. AMENT, general manager and editor of the reel, will speak on Eastern production and newsreels at the Museum of Modern Art tonight.

ARTHUR SILVERSTONE, SOL EDWARDS, ABE MONTAGUE, RUBE JACKTER, LOU WEINBERG, SEYMOUR POE and AL MARGOLIES lunching at Lindy's (next to the Rivoli) yesterday.

GILBERT JOSEPHSON of the World Theatre yesterday returned from the Coast and Chicago.

COL. JOHN A. COOPER, president of the Motion Picture Distributors and Exhibitors of Canada, headed his old World War battalion, the 198th Canadian Buffs, at its anniversary church parade in Toronto.

MR. and MRS. ABE FISHMAN and MR. and MRS. PHILIP SASLAU of the Fishman Theatre Circuit, New Haven, are in New York for a few days.

EDGAR E. LLOYD, distributor of Czechoslovakian films, is on a sales trip to Chicago, Cleveland and Pittsburgh.

JOHN JOSEPH, Universal advertising and publicity director, will leave for Chicago tomorrow for the company's final sales meeting this weekend. He then will return to his Coast headquarters. He has been in the East the past month.

AL MARGOLIES, United Artists publicity manager, left for Chicago today to prepare for the company's Western sales meeting there, starting Friday.

E. J. MANNIX, M-G-M studio manager, will leave for the Coast today after a brief stay in New York.

ANATOLE LITVAK and MICHAEL CURTIZ, Warner directors, are en route back to the Coast after brief visits here.

FRED TREBILCOCK, manager of the Uptown in Toronto, is on a vacation trip to South America by plane.

ARCH M. BOWLES, Fox West Coast northern California division manager, has been appointed a director of the Market Street Association in San Francisco.

ROBERT WEITMAN, LOUIS PHILLIPS, GEORGE DEMBOW, LOU BRECKER, LEE SHUBERT, JOHN GOLDEN, ALEC MOSS, SIDNEY KAUFMAN, DUDLEY DIGGES, MORT SPRING, DAVE BLUM and I. E. LOPERT lunching at Sardi's yesterday.

ABE HODES has been named student assistant booker at the M-G-M New Haven exchange.

NATE SODIKMAN, new branch manager for Monogram in Albany, is visiting the northern New York territory after several days in Buffalo.

JIMMY SILEO, theatrical photographer, is en route to Pittsburgh to cover the opening of the 20th Century-Fox film, "Lillian Russell."

Coast Flashes

HOLLYWOOD, May 14.—John Barrymore was today signed by 20th Century-Fox for the title role in "The Great Profile." Adolph Menjou, originally signed for the part, will get another vehicle.

RKO and Leo McCarey parted amicably today when negotiations on a deal failed. McCarey's last two films were "Love Affair" and "My Favorite Wife," which he produced and directed. RKO signed Lewis Milestone to direct two top budget films for the new season.

Paramount today signed with National Pictures Corp., headed by Boris Morros and Robert Stillman, for the release of two pictures to be made by Stillman. Titles are "Second Chorus" and "The Life of O. Henry." Douglas Fairbanks, Jr., is scheduled for the title role in the latter.

For a heart attack allegedly suffered when he became angered at an advertising film shown at the Alexander Theatre, Glendale, and sponsored by the National Association of Manufacturers, John E. Miller, a private investigator, today filed a \$10,000 damage suit.

Newsreel Parade

Germany's invasion of the lower countries in Europe is featured in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 71—Queen Wilhelmina and King Leopold in Holland. Princess Juliana at birthday party. Holland opens dikes. Guns rushed to Netherlands front. King Leopold rallies Belgian army. Chamberlain resigns, succeeded by Churchill. King George and Queen Elizabeth at plane factory. German bomber downed in England. British ship returns from Narvik. Netherlands and Belgian Ambassadors speak in Washington. Roosevelt addresses Scientific Congress. Pope Pius in religious ceremony. World's Fair opens. Preakness horse race. Low Lehr.

NEWS OF THE DAY, No. 269—Germany invades Holland, Belgium, Luxembourg. Roosevelt speaks in Washington. Legion of diplomats in Washington. Pope Pius in the Vatican. British troops sail for battle. Britain's King and Queen view air raid precautions. Nazi bomber crashes in England. Fair opens. Preakness race.

PARAMOUNT NEWS, No. 74—Dodgers in winning streak. Opening of Fair. Dutch and Belgian envoys appeal for moral aid. Nazi bomber crashes in England. Cossack returns from Norway battle. U. S. Fleet at Hawaii. Vatican-Nazi dispute. Roosevelt speaks at scientists' meeting. Pray for peace here (pre-released).

RKO PATHE NEWS, No. 86—War in low countries. Chamberlain resigns, succeeded by Churchill. Roosevelt condemns new aggression. World's Fair opens. Preakness race.

UNIVERSAL NEWSREEL, No. 875—French reinforcements in Belgium. British troops sail for Holland. Envoys of Belgium and Holland speak in Washington. Cabinet officials at White House on war situation. Roosevelt condemns German invasion. Fair opening. Preakness race.

Grainger and Yates Off for Coast Today

James R. Grainger, president of Republic, will leave today via TWA plane for the Coast, with Herbert J. Yates. Grainger will stop off at Chicago, Kansas City and San Francisco before going to the studio, while Yates will fly directly to Hollywood.

The two executives will engage in production conferences at the studio.

Leaving the home office today after conferring for two days with Grainger are the following Republic exchange managers: M. E. Morey, Boston; Sam Seletsky, New Haven; Arthur Newman, Albany; Jack Bellman, Buffalo, and Sam Seplowin, Detroit.

Republic Appoints Webb

HOLLYWOOD, May 14.—Robert Webb has joined the Republic studio as casting director.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Luxurious Overnight
Skysleepers to
CALIFORNIA

Go American
TO
CALIFORNIA
TEXAS • ARIZONA

Four Transcontinental Flagships Daily

	Lv. New York	Ar. Los Angeles
The Sun Country Special	7:00 am	12:20 am
The Plainsman	4:15 pm	8:15 am
The Mercury	5:10 pm	7:40 am
The Southerner	10:15 pm	1:39 pm

(Schedules shown are Standard Time)

• For reservations, call your Travel Agent or HAVemeyer 6-5000.
Ticket Offices: 18 W. 49th Street at Rockefeller Center and 45 Vanderbilt Ave. at Grand Central.

**AMERICAN
AIRLINES Inc.**
ROUTE OF THE FLAGSHIPS

Only American
Flies the
Southern ALL-YEAR
Route to the
Coast

JOIN IN THE MAYPOLE DANCE!



THINK THIS OVER!

There is only ONE company that can give you this MONTH OF STARS! They all appear in May releases from M-G-M!

VIVIEN LEIGH
ROBERT TAYLOR
"WATERLOO BRIDGE"

SPENCER TRACY
"EDISON, THE MAN"

WALLACE BEERY
"20 MULE TEAM"

JOAN CRAWFORD
FREDRIC MARCH
"SUSAN AND GOD"

—and they're all GREAT!

Balaban's Salary \$236,635 in 1939; Seek Same Board

(Continued from page 1)

his aggregate remuneration, \$145,705 was payable by B. & K.

Balaban owns 2,000 shares of Paramount common stock, according to the statement. Other directors and the amounts of stock owned by each are as follows: Freeman owns beneficially 500 shares of second preferred and has a beneficial interest in 600 shares of second preferred; Callaghan, a board representative for Allied Owners Corp., which owns beneficially 9,900 shares of first preferred and \$250,000 principal amount of 3¼ per cent convertible debentures; Gibson, chairman of the board and president of Manu-

See Para. Quarter Profit at \$1,600,000

Paramount's earnings for the first quarter of the current year are estimated by Wall Street sources at \$1,600,000. The figure compares with earnings of \$1,300,000 for the corresponding quarter ended April 1, 1939.

facturers Trust Co., which owns beneficially 5,710 shares of first preferred and \$3,000,000 principal amount of debentures.

Also, Goodyear, who owns beneficially 600 shares of first preferred and 1,000 shares of common; Griffiths, 3,000 shares of common; Harris, 200 shares of second preferred and 200 shares of common; Hertz, owns beneficially 1,000 shares of common and has a beneficial interest in an additional 100 shares of common; Keough, owns beneficially 423 shares of second preferred and 559 of common; McClintock, 100 shares of second preferred; Newton, 2,813 1/5 shares of second preferred and 8,118 of common, and has an interest in an estate which owns beneficially 900 shares of first preferred and \$125,000 principal amount of debentures; Richards, has a beneficial interest in 7,500 shares of second preferred; Weisl, owns beneficially 3,200 shares of second preferred and 100 of common, and Zukor, owns beneficially 200 shares of second preferred and 200 shares of common.

The statement discloses that the company and its subsidiaries paid a total of \$853,514 to directors and officers as remuneration for services during 1939. The amount includes the \$145,705 paid Balaban by B. & K., and \$3,516 to Weisl in fees for legal services to Simpson, Thacher & Bartlett, of which he is a partner. Not included is \$40,430 in expense allowances, of which \$20,800 was paid to Balaban.

Drops Hub Vaudeville

BOSTON, May 14.—The Keith Boston will end the current vaudeville season on May 26. Vaudeville may be booked in during the Summer if conditions warrant.

20th-Fox Signs Two

HOLLYWOOD, May 14.—Kenneth Macgowan, associate producer, and Karl Tunberg, writer, have signed new contracts with 20th Century-Fox.

House Committee Reaction Is Hostile to Neely Bill

(Continued from page 1)

were on the stand four and one-half hours. First witness scheduled to testify tomorrow is Mr. Robert T. Bushnell, of the Boston chapter of the Motion Picture Research Council.

Giving the bill the most thorough "going over" it has ever received from a Congressional group, committee members, during Atkinson's examination, criticized the "loose language" used in its most important sections, and predicted that enactment would loose innumerable lawsuits and that the courts, in the last analysis, would become censorship bodies.

Hardly giving the witness time to embark upon his explanatory statement, members of the committee began to force the pace, questioning the value of the synopsis provisions and raising the point that if nine exhibitors accepted a picture and the 10th did not, the latter could throw the matter into court on the ground that it departed from the synopsis and that, in fact, whether a synopsis was "true" depended largely on the point of view.

Denies Censorship

Atkinson insisted that the synopsis provisions were workable and denied that there would be any flood of court cases, declaring that the time and expense of litigation would discourage it. He denied also that "community selection" would be a form of censorship, and told the committee that if censorship was proposed, probably not more than two or three of the organizations supporting the Neely bill would approve it.

Atkinson declared that if a producer made contracts for a picture on the basis of a synopsis and then decided to change the film he could do so, although he admitted that was not explicit in the bill, but agreed with committee members that such changes would be restricted materially. He also admitted that if an exhibitor signed for a picture on the basis of a synopsis later changed, he might be able to hold the producer to his contract to furnish the picture as originally represented, unless the distributor inserted a protective provision in the lease.

Neely Bill or Boycott

The only alternative to the bill is a national boycott of companies whose product is not considerable suitable, he said in answer to a question by Rep. Lyle Boren (Dem., Okla.) whether the measures offered the only way in which the public can have a voice in the type of films to be shown.

"How much power does the exhibitor have now?" Boren asked.

"The independent exhibitors don't know what they are going to get and if they did know, they would have to take it anyway," Atkinson declared.

Boren led the witness into a discussion of divorce, and Atkinson explained his groups have taken no stand on the bill, but if divorce is accomplished the Neely measure will become "even more important" because the affiliated theatres then made independent "will need the protection of the bill to get the pictures that are suitable for their particular audiences."

Asked by Rep. Luther Patrick (Dem., Ala.) whether the bill would not serve "to raise the ante," the wit-

ness expressed the belief that, as a result of the intensified competition which he contended would arise, production cost would be reduced.

"You mean the more circumscribed the producer is the less it will cost him to make pictures?" Patrick queried.

"The more competition you have the less waste there will be," Atkinson said.

Atkinson was questioned at length as to what would become of films which exhibitors refused to buy under community pressure, and agreed with Rep. Herron Pearson (Dem., Tenn.) that theatres might spring up to show such films at low admissions. However, he insisted, "the intent of the act is to give the good theatre a chance not to show those pictures."

Predicts Litigation

"That would make it possible for many times as many people to see bad pictures," the Congressman commented.

Commenting on the "loose language" which he said characterized the bill, Rep. James P. McGranery (Dem., Pa.) asserted it would lead to innumerable court suits.

"If they (the exhibitor or distributor) want to spend that much time, it is their privilege," the witness contended.

"Don't you think it would be better to spend some time on this now and write definite provisions?" McGranery retorted.

A serious question of what would constitute a "reasonable" price for a picture originally offered in a block, when negotiated for separately, was raised by Chairman Clarence F. Lea (Dem., Cal.) and the witness said it would be necessary for the courts to pass on such questions.

It was suggested by Representative McGranery that the bill might be confined to a prohibition against block booking and blind selling, with all extraneous matter eliminated, but Atkinson contended that would not meet the desires of his organizations.

Transportation Issue Raised

The witness tangled with members of the committee when Rep. Carl Hinshaw (Rep., Cal.) raised the question of how the ban on the transportation of illegal pictures was to be enforced. Hinshaw pointed out that a number of exhibitors might accept a film, but that one might hold that it violated the synopsis provisions, and asked how its transportation was to be prevented. Atkinson asserted that this provision was "simply a clause to help in the enforcement of the act" and that the Department of Justice need not apply it.

The bill, he insisted, is "very simple and practical" and makes no attempt to set up a censorship of any kind or to prevent a distributor from leasing in blocks or in advance of production, but members of the committee were equally insistent that the whole question of whether a picture complied with requirements was a matter of opinion and predicted that the supreme court would have to make the final decision in a number of cases in which the only issue raised was a difference of opinion between producer and exhibitor whether a film lived up to the synopsis.

Denial of 20th-Fox Motion Held Likely

(Continued from page 1)

Justice does not question the good faith of these defendants, he said, but had included them because "a corporation can only act through its officers and agents."

Williams asserted that the normal functions of the majors were a violation of the law because of "vertical integration of production, distribution and exhibition." Since the normal conduct of business by the majors was directed and carried out by its officers and directors, they must take the consequences and responsibility of any unlawful acts, Williams declared.

Caskey was supported by former U. S. Senator Daniel O. Hastings, a 20th Century-Fox director, in his dismissal appeal. Hastings claimed that it was unfair for the Government to require him and others in his position to attend a trial "which may take months or even years." Furthermore, he stated, in the event of the granting of a decree to the Government, officers of the various companies might be subjected to a number of suits brought by exhibitors who felt that they had been "hurt" by anti-trust law violations.

In replying to this argument, Williams declared that the Government was ready to drop the suit against any individuals who would resign as directors. Those who continue to operate the defendant companies must be included in the suit to insure the enforcement of any decree which may be granted, he said.

UA Loses Dismissal Plea in Folley Suit

(Continued from page 1)

compelled it to close the Folley Theatre, Brooklyn.

Judge Leibell held that U. A. was properly included as a defendant even if the contention that it was not engaged in interstate commerce was correct. U. A. is charged with conspiring to restrict interstate commerce by preventing other companies from dealing with the plaintiff and the court therefore has jurisdiction, Judge Leibell declared.

Will Call Goldberg In 'Key' Trust Suit

Federal Judge Edward A. Conger yesterday granted permission to the Government to subpoena Jesse J. Goldberg, independent producer in Los Angeles, to testify at the trial of the "key" anti-trust suit. Goldberg was described as a "material" witness by U. S. Attorney Paul Williams.

Schenck Appoints Marks

Marvin Schenck, in charge of Loew's New York theatre operations, has appointed Stanley Marks as manager of the Bedford, Brooklyn, to succeed Robert Kilgore, who goes to Loew's Palace, Memphis. Alexander Frey will supplant Marks as manager of the Brevort, Brooklyn.

Cuts Vaudeville Time

ATLANTA, May 14.—The Capitol film and vaudeville house, is now offering a combination program on Friday, Saturday and Sunday and only a screen show the remainder of the week.

Ask U.S. Firms Aid Mexicans In Production

(Continued from page 1)

dustries, and Mexico should do likewise.

The petition contends that such a law would cause no hardship to American distributors, since it is claimed they can well afford the investment and the financing will save the national film industry, which the union asserts to be in a most critical condition at present. The union sees no difficulties resulting from the law, declaring it would be profitable to the distributors and the Mexican industry. The petition said that unless the Government acts quickly the Mexican industry is faced with extinction.

Home office distribution sources expressed themselves vigorously when advised of the move to require American distributors to invest 25 per cent of their profits in Mexican production.

They pointed out that already Mexico receives the best of American product at very small cost, and that the Mexican market is perhaps the most expensive of all with which the United States does business. The demands of the labor unions were cited as the chief reason for the heavy expense of operation in the Mexican market.

It was indicated that the dollar figure cited as profits appeared too high. Officials here said that any representations on the matter to the Mexican Government would be handled by the Film Board of Trade in Mexico City, representing all American major distributors.

Majors Halt Films To Low Countries

(Continued from page 1)

tances still are being received from Sweden and, accordingly, new films will be shipped to that country whenever it is physically possible to do so.

Some foreign departments have been advised that shipments to Sweden may be made by way of Petsamo, Finland, and several plan to attempt consignments by way of that port. However, it was stated here that sailings around the Northern end of the Scandinavian peninsula are infrequent and its doubtful whether any reliable schedules are maintained.

Home office foreign departments have been advised that negotiations on new regulations to permit American companies to resume business in Italy are still under way in Rome with some basis for hope of a successful outcome. The negotiations are being conducted by F. W. Allport, M. P. P. D. A. European representative, with Italian Government officials.

Want Contract Voided

Memories, Inc., yesterday asked Referee John E. Joyce to set aside a contract under which Educational Films Corp. of America had agreed to distribute six short subjects, on the ground Educational had not lived up to its agreement. Another hearing on the application will be held June 4.

Selznick Eliminates Blind Selling on His Pictures

(Continued from page 1)

Wind" and "Rebecca" proved that many of these former patrons can be regained by good pictures properly exploited.

Monroe Greenthal, exploitation manager, discussed plans for the new national "pre-selling" bureau which will be in operation shortly after June 1. Al Margolies, publicity manager, emphasized the necessity of "streamlining" film publicity by endowing it with sufficient merit to permit it to compete for newspaper space at a time when international and significant national events, such as the coming political conventions, campaigns and elections, will dominate the news.

Sol Lesser discussed his new season production plans and screened his new picture, "Our Town," for the sales force at the Music Hall projection room during the afternoon. The delegates later were guests of Samuel Goldwyn at a cocktail party

at his apartment in the Waldorf-Astoria, and were on their own as guests of Harry L. Gold, vice-president and Eastern general sales manager, last night.

Gold will preside at the final session today with district managers, Charles Stern, Bert Stearn, Haskell Masters and David Prince. Moe Streimer, special home office representative, and Arthur Silverstone, assistant to Gold, will address these meetings.

Murray Silverstone, United Artists chief executive; L. J. Schlaifer, vice-president and Western general sales manager; Hal Roach, Farnol and Greenthal will leave for Chicago tonight to open the second and final meeting there on Friday. Schlaifer will preside at the three-day sessions there. Roach will address the Chicago meeting and leave from there for the Coast. Goldwyn will also attend the Chicago meeting but will return to New York from there.

More Showmanship Is Urged by Silver

ALBANY, May 14.—M. A. Silver, Warner Theatres zone manager for New York State, called for a rebirth of showmanship in the face of a threatened product shortage, at the annual Spring meeting here today of the staffs of the 10 theatres in the district of C. A. Smakwitz, district manager.

The meeting discussed policies, bookings and plans for the Summer and exploitation plans for the rest of the current season. Silver foresaw the product shortage becoming more acute during the Summer, and suggested the only means of maintaining grosses will be by heavily augmented selling campaigns on all exploitable pictures. "Let's make the public more show-conscious by reviving tried and true attention-getting stunts and 'Back to Barnum ballyhoo.' We must not overlook any ticket-selling angle on any picture," Silver said.

He emphasized the necessity for even stricter economy in operation during the Summer, and urged the booking of selected shorts to avoid double bills as much as possible. He stressed child attendance.

A wire was read from Joseph Bernhard, general manager of Warner Theatres, who was detained in New York. Bernhard stressed the need for an increased pace at this time.

A similar meeting was held last week in the Buffalo district headed by Ralph Crabill.

Present at the meeting here, in addition to Silver and Smakwitz, were the following executives from the zone office here: Max Friedman, booker; Joseph Weinstein, short subject booker; J. P. Faughnan, contact manager; Jules Curley, advertising manager. Theatre managers included: A. M. Roy, Strand, Albany; William Tallman, Ritz, Albany; Al La Flamme, Madison, Albany; Ed Selette, Albany; Leo Rosen, Troy; Sid Dommer, Lincoln, Troy; Jack Swartout, American, Troy; William Haynes, Stanley, Utica; Arnold Stoltz, Avon, Utica; Jack Breslin, Utica.

Claims Taxes Prevent More S.A. Revenue

Latin American taxes and exchange rates militate against better revenue for American companies from that market, Ben Y. Cammack, assistant to Phil Reisman, RKO vice-president and foreign head, said yesterday.

Cammack has just completed a six-month tour of all RKO offices in South America. He said that better Hollywood product has maintained the American film in a dominating position in Latin America but that current conditions in the market call for even better films at higher budgets if the American product is to remain secure there.

He reported that business has been good in South America in recent months and attributed some of the improvement to increased spending by the public as a result of European war orders being filled in Latin America.

Argentina is producing about 50 pictures annually, Cammack reported, and these are popular throughout South America, with the exception of Brazil, where the difference in language proves a handicap.

Cohen in Philadelphia

PHILADELPHIA, May 14. — Sam Cohen, former manager of the 56th St. Theatre, has been returned to the house by owner William Goldman.

Cleveland Showmen Beat Daylight Time

CLEVELAND, May 14.—Exhibitors successfully fought off the annual attempt to adopt daylight saving time here. Ernest Schwartz, president of the Cleveland Motion Picture Exhibitors Association, told the City Council that radio stations and gasoline companies were the only ones who favored such an ordinance.

BOXOFFICE says... DARK COMMAND

**"A SOLID HIT...
RIP-SNORTING-
ACTION, SPECTACLE,
EXCITEMENT AND
SUSPENSE"**

RAOUL WALSH, Director

The story of

The BLACK KNIGHT of KANSAS

**A renegade killer...a fugitive from
the country he swore to defend and
from the woman he swore to love.**

A REPUBLIC PICTURE

'Benny' Holds Chicago Pace With \$35,000

CHICAGO, May 14.—In its second week at the Chicago "Buck Benny Rides Again," with the stage show headed by Red Skelton, drew \$35,000. "The Man From Dakota," with the help of Johnny "Scat" Davis and Sammy Cohen, grossed \$17,500 at the State-Lake.

Estimated takings for the week ending May 8-11:

"Rebecca" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$6,500. (Average, \$6,000)
"Buck Benny Rides Again" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Red Skelton, Hattie McDaniel, Andrew Sisters and Revue. Gross: \$35,000. (Average, \$32,000)
"Star Dust" (20th-Fox)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$4,000. (Average, \$5,000)
"Gone With the Wind" (M-G-M)
ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 15th week, 3 shows daily. Gross: \$22,000. (Average, \$13,000)
"Primrose Path" (RKO)
"Ma, He's Making Eyes At Me" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Gross: \$13,500. (Average, \$13,000)
"Dr. Cyclops" (Para.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: \$12,000. (Average, \$11,000)
"The Man From Dakota" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Gross: \$17,500. (Average, \$15,000)
"Strange Cargo" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: \$15,000. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (\$1.10-\$1.50) 7 days, 15th week, 2 shows daily. Gross: \$7,000.

Carriers Reelect Clerk, All Officers

All officers of the National Film Carriers Association were reelected yesterday at the closing session of the annual convention at the Park Central.

Officers include: James P. Clark, Philadelphia, president; Thomas Gilboy, San Francisco, vice-president, and Clint Weyer, New York, secretary; executive committee, Clark, George Callahan, Pittsburgh; E. E. Jameson, Kansas City; Harold Robinson, Detroit; John Vickers, Charlotte; board of managers, A. E. Amsler, Columbus; M. H. Brandon, Memphis; Charles McCarthy, Minneapolis; H. E. McKinney, Des Moines; L. N. Miller, New Orleans; M. G. Rogers, Omaha; N. A. Slater, Seattle; F. E. Smith, Syracuse; Charles Trampe, Milwaukee.

A. W. Schwalberg, supervisor of Warner exchanges, and Harry Mersay, in charge of prints for 20th Century-Fox, addressed the meeting yesterday at a luncheon.

'Doctor' Is Omaha Best, Taking \$5,100

OMAHA, May 14.—"The Doctor Takes a Wife" proved the best of a good week with \$5,100 at the Brandeis. Business generally was on the upswing.

Estimated takings for the week ending May 8-9:

"The Doctor Takes a Wife" (Col.)
"Curtain Call" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$5,100. (Average, \$4,000)
"Man From Dakota" (M-G-M)
"Gongo Maisie" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: \$6,100. (Average, \$6,000)
"Johnny Apollo" (20th-Fox)
"Adventure in Diamonds" (Para.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,400. (Average, \$7,200)

Theatre Changes

Leases Alabama Theatre

ANDALUSIA, Ala., May 14.—The Waters Theatre Co., Birmingham, has leased the Fox here and plans renovation and installation of new equipment in time for reopening July 1. The company, operating 12 houses in Birmingham, also plans acquisition of another site in Andalusia on which it proposes to build a new house at a cost of approximately \$50,000.

Buys Iowa Theatre

AVOCA, Iowa, May 14.—J. A. Meredith, who recently sold the garden at Sigourney, Iowa, to W. H. Eddy, has bought the Harris-Avoca Theatre here from Carl Ernst.

To Remodel Theatre

TWO RIVERS, Wis., May 14.—A \$20,000 remodeling and modernization program is under way at A. C. Berkholtz's Rivoli here. New seats, new carpeting, improved sound equipment and redecorating throughout the building are planned.

Plans Wisconsin House

CRIVITZ, Wis., May 14.—Harry Shernoff is planning to remodel a local bank building into a theatre. An addition would be added to the vacant bank building.

Managing Frisco House

SAN FRANCISCO, May 14.—Robert Ellsworth, former manager of the Royal, has been named manager of the Alhambra, 2,000-seat neighborhood house. Both theatres are owned by Nasser Brothers circuit.

Marx Revue Leads Detroit with \$26,000

DETROIT, May 14.—The Marx Brothers with their Hollywood Revue, "Go West," attracted \$26,000 at the Michigan, with "Seventeen" on the screen.

Business at other theatres was just "so-and-so" with most of them catering to average attendance.

Estimated takings for the week ending May 9:

"The Doctor Takes a Wife" (Col.)
"Dark Command" (Rep.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$6,000. (Average, \$5,000)
"Vigil in the Night" (RKO)
"Abe Lincoln in Illinois" (RKO)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,000. (Average, \$7,000)
"I Was An Adventuress" (20th-Fox)
"Shooting High" (20th-Fox)
FOX—(3,000) (20c-55c) 7 days. Gross: \$10,000. (Average, \$15,000)
"Seventeen" (Para.)
MICHIGAN—(4,000) (15c-65c) 7 days. Marx Brothers revue on stage. Gross: \$26,000. (Average, \$12,000)
"Til We Meet Again" (W. B.)
"The Courageous Dr. Christian" (RKO)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$6,000. (Average, \$7,000)
"20 Mule Team" (M-G-M)
"And One Was Beautiful" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$10,000. (Average, \$10,000)

Review Contempt Case

ST. LOUIS, May 14.—The Missouri Supreme Court has decided to review the St. Louis *Post Dispatch* contempt of court case, which grew out of the newspaper's criticism of Circuit Judge Thomas J. Rowe regarding the extortion trials of John P. Nick, former head of the operator's union. Local 143, and State Representative Edward M. Brady.

Improving Canadian House

TORONTO, May 14.—Extensive alterations are being made by Famous Players in its largest Ottawa unit, the Capitol, where 2,500 new seats have been installed and other improvements are under way. The total cost will be \$25,000, according to Ben Whitham, director of maintenance.

Bronx House Acquired

New operator of the President, 827 Westchester Ave., Bronx, is the Brandeis Theatre Corp., headed by Jack Gross.

Plan 2 Near Wilmington

WILMINGTON, Del., May 14.—Two theatres in suburban sections of Wilmington, costing approximately \$220,000, are planned. One seating 800, will be erected at Edge Moor at a cost of about \$100,000. The other, seating 700, is planned for Richardson Park, south of Wilmington.

Open Kansas Theatre

KANSAS CITY, May 14.—The new \$27,000 Plaza has been opened at Burlington, Kan., by A. J. Simmons and Warren Weber. The theatre, seating 400, is the second these two exhibitors have opened in partnership; they also have the Plaza at Howard, Kan.

Building Alabama House

ANDALUSIA, Ala., May 14.—Work is under way on a new 1,200-seat, \$60,000 theatre here for R. E. Martin and Mrs. Z. D. Studstill, owners of the Paramount, which was destroyed by fire several months ago.

Seattle Gives 'Benny' Good \$7,100 Gross

SEATTLE, May 14.—In a generally quiet week of fair weather, "Buck Benny Rides Again" and "Honey-moon Deferred," drew \$7,100 in the second week at the Paramount. "Alias the Deacon" and a stage show at the Orpheum took \$7,200.

Estimated takings for the week ending May 10:

"Johnny Apollo" (20th-Fox)
"Ma, He's Making Eyes At Me" (Univ.)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,100. (Average, \$4,000)
"Irene" (RKO)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, 2nd week. Gross: \$6,200. (Average, \$7,000)
"Too Many Husbands" (Col.)
"My Son Is Guilty" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,600. (Average, \$5,000)
"Primrose Path" (RKO)
"The Farmer's Daughter" (Para.)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,200. (Average, \$4,000)
"Alias the Deacon" (Para.)
ORPHEUM—(2,450) (25c-40c) 7 days. A. B. Marcus' "La Vie Paree" revue on stage. Gross: \$7,200. (Average, \$6,000)
"Rancho Grande" (Republic)
"Mutiny in the Big House" (Mono.)
PALOMAR—(1,500) (20c-25c-40c) 7 days. Vaudeville. Gross: \$4,500. (Average, \$5,000)
"Buck Benny Rides Again" (Para.)
"Honey-moon Deferred" (Univ.)
PARAMOUNT—(3,050) (25c-40c) 7 days, 2nd week. Gross: \$7,100. (Average, \$6,000)

S-I Reorganization Way Seen Cleared

Retirement of Selznick-International's \$2,900,000 issue of six percent debentures, constituting the entire investment in the company, and leaving only the common stock outstanding, is believed to clear the way for reorganization of the company along more simplified lines.

The retirement of the debentures has been authorized by the company and will eliminate such S-I debenture holders as Norma Shearer and C. V. Whitney. Principal holders of S-I common stock are David O. Selznick, John Hay Whitney and Mrs. Joan Payson, Whitney's sister. Approval of a reorganization plan by stockholders, when such plan has been determined upon, thus is facilitated.

'Primrose' Draws \$6,000, New Haven

NEW HAVEN, May 14.—"Primrose Path," dualled with "Granny Get Your Gun" grossed \$6,000 at the Roger Sherman. "The Doctor Takes a Wife" and "Two Girls on Broadway" did \$8,000 at the Loew-Poli. Other houses were below average. The weather was rainy.

Estimated takings for the week ending May 9:

"Viva Cisco Kid" (20th-Fox)
"Outside the Three-Mile Limit" (Col.)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: \$2,300. (Average, \$2,700)
"The Doctor Takes a Wife" (Col.)
"Two Girls on Broadway" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,000. (Average, \$8,000)
"Seventeen" (Para.)
"Adventure in Diamonds" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$3,500. (Average, \$4,000)
"Primrose Path" (RKO)
"Granny Get Your Gun" (F. N.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$6,000. (Average, \$5,000)

'Buck Benny' Takes \$10,000, Providence

PROVIDENCE, May 14.—"Buck Benny Rides Again" and "East Side Kids," dualled at the Strand, took \$10,000, and the RKO Albee's program, "If I Had My Way" and "Enemy Agent," in six days gave that house \$7,000.

Estimated takings for the week ending May 8-9:

"If I Had My Way" (Univ.)
"Enemy Agent" (Univ.)
RKO-ALBEE—(2,239) (25c-35c-50c) 6 days. Gross: \$7,000. (Average, 7 days, \$6,000)
"Two Girls on Broadway" (M-G-M)
"Florian" (M-G-M)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$11,000)
"It All Came True" (W. B.)
"On Their Own" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$4,900. (Average, \$7,000)
"Buck Benny Rides Again" (Para.)
"East Side Kids" (Mono.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$10,000. (Average, \$6,000)
"Angel From Texas" (W. B.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Major Bowes Amateurs: Buddy Lewis, Dorothy Hampton, Don and Marie, Sally Stewart, George Grant, Undecided Trio, Betty Lou, Frances Gibby and Marie Smith. Gross: \$6,200. (Average, \$6,500)
"Johnny Apollo" (20th-Fox)
"Half a Sinner" (Univ.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,700. (Average, \$3,500)
"Dr. Cyclops" (Para.) (3 days)
"Shooting High" (20th-Fox) (3 days)
"Road to Singapore" (Para.) (4 days)
"I Take This Woman" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,300. (Average, \$1,700)

Manages Racine House

RACINE, Wis., May 14.—Harold J. Perlman, one-time manager of Fox's Palace in Milwaukee, has been named manager of the Granada here, operated by the Granada Theatre Co.

Canada Censor Cuts 'Information' Off Air

Montreal, May 14.—"Information Please" was suddenly cut off the air here tonight when John Gunther, John Kieran and others became involved in a discussion of tactics in the present war. Kieran mentioned the German conquest of Holland and the Nazi push through Belgium when the program was interrupted. After a minute of music, the program resumed. It was being broadcast over CFCF. The station admitted censors were responsible.

'Russell' Premiere Celebrations Begin

CLINTON, Ia., May 14.—With 100,000 visitors jamming this town on the Mississippi, the populace gave its attention exclusively to a celebration which will culminate with the premiere showing of 20th Century-Fox's "Lillian Russell" tomorrow evening at the Capitol and Rialto. The theme of the celebration was the 90's, the period of the film.

Gov. George A. Wilson of Iowa and Mayor Harry F. Pape of Clinton will welcome Don Ameche, Cesar Romero, Mary Healy and Arleen Whelan, when they arrive from the Coast tomorrow. Sixty newspapermen will accompany them from Chicago. Station WMT will broadcast the evening opening. The stars will appear at both theatres. A ball will conclude the celebration.

PITTSBURGH, May 14.—A \$100-a-plate charity dinner tonight at the William Penn Hotel highlighted the two-day celebration here in conjunction with the opening of "Lillian Russell" tomorrow night. The dinner was prepared under the supervision of Jacques Bustanoby, who catered a similar dinner for Diamond Jim Brady and Lillian Russell in 1909. The proceeds went to the local Variety Club's Camp O'Connell for poor children. Alice Faye, John H. Harris and Herman Wobber spoke at the dinner, with Edward Arnold as toastmaster.

A half-holiday for schools was declared, and Miss Faye and Arnold were nearly mobbed when they arrived by air from the Coast. They were greeted at City Hall by City Solicitor Alvin Stewart.

Leo Films to Import New French Product

Leo Films, Inc., has been formed here by Leo Cohen, French film distributor, to handle American distribution of selected French product. The new company will be associated with Cohen's long establish Paris film export firm.

Associated with him here are Nat Sanders, president of the new company, and Sylvia Sanders, treasurer. The latter left by Clipper for Europe last week to select new French film imports from currently available product there.

Sanders is the former general manager of Film Alliance of the United States, Inc., and Sylvia Sanders also has been active in importation of French films for this market.

Off the Antenna

WOR reports a four-week total of new business of \$99,602.92, as the result of a drive just completed. The station's renewal business for 1939 totaled 79 per cent of WOR's business, and the renewal business for the first 18 weeks of 1940 was 16 per cent ahead of last year. Last year's four-week average business was \$47,200.

Five of the 15 new accounts obtained in the four-week drive had never used WOR before. The drive, conducted in the form of a sales staff contest, was won by Robert J. Smith. Salesmen who were high scorers at the end of each week were: Jack E. Lowe, Theodore W. Herbert, George A. Schmidt and Otis P. Williams.

Purely Personal: William B. Ryan, sales manager of KGO and KPO, has been elected vice-president of the San Francisco Advertising Club. . . . Stella Unger will interview Flora Robson on her WEA film program at 1:45 P.M. today. . . . Helen Hayes will play Jane Addams in the "Covaleade of America" broadcast next Tuesday over the NBC-Blue from Milwaukee, where the General Federation of Women's Club will be in session.

More radio programs will originate at Treasure Island this year than during last year's San Francisco exposition, according to Robert Colson, radio director at the Fair. His assistants have just been announced as Jay Joy, head of program and music, and Charles Bulotti, chief of special events.

Three studios are located in the California Building, with every bay region studio airing at least one program daily from the exposition during its run. Much equipment is available for remote pickups from other parts of the island.

Arthur Westlund, manager of KRE and 15th district director for the National Independent Broadcasters, has started a drive to bring the N.I.B. convention to San Francisco to run in conjunction with the N.A.B. meeting. Westlund declares that if the event is held in Chicago, as proposed, it will be impossible for many independent broadcasters to attend both sessions.

Programs: Mrs. Eleanor Roosevelt shortly will inaugurate the policy of interviewing guests on her Tuesday and Thursday programs at 1:15 P.M. over NBC. . . . Dinah Shore, singer, will return to the air Sunday as soloist with the Chamber Music Society over the NBC-Blue. . . . "Tune-Up Time" will return to New York Monday after six weeks in Hollywood. It is heard over WABC-CBS from 8 to 8:30 P.M. . . . Swift & Co. has signed for 15-minute Saturday morning program over Mutual. . . . Herman Shumlin, producer of "The Male Animal," Broadway play, is the first WOR theatrical sponsor of a news program, with the 10 minutes before the WOR baseball broadcasts on Tuesdays and Thursdays. . . . WOR and Mutual will broadcast the Daniel Guggenheim Memorial concerts by the Goldman Band for the second season, starting June 19 and continuing to Aug. 18. Broadcasts probably will be on Sunday and Wednesday evenings. . . . Col. Richard Stockton, military authority, has been signed to broadcast war news analyses over WOV nightly at 10:15.

'Edison' Pageant Opens in Jersey

The Edison "Pageant of Progress" in the four Oranges of New Jersey officially opened last night with the unveiling of a photograph of the inventor, 22 by 28 feet in size, in West Orange.

The pageant is in conjunction with the four-town premiere of M-G-M's "Edison, the Man" tomorrow night. Civic leaders will attend a ball tonight at the Orange Armory.

Spencer Tracy and Rita Johnson, co-starring in the film, and Clarence Brown, director, are here from the Coast for the premiere.

Sponsors News Program

Axton-Fisher Tobacco Co., makers of Twenty-Grand Cigarettes, will sponsor Bob Garred in a news program Monday, Wednesday and Friday, 9:45 to 9:55 P. M., Pacific time, over a CBS Pacific Coast network of five stations, beginning May 20.

Wilhelmina Talk Today

Queen Wilhelmina will speak in English from England at 4 P. M. and 9 P. M. today, New York time. Mutual will carry both.

Oppose Theatre Limit

NEW HAMPTON, Ia., May 14.—The local City Council has voted against the passage of an ordinance that would have allowed but one film theatre here.

Legion Approves Eight New Pictures

The National Legion of Decency for the current week has approved eight new pictures, five for general patronage and three for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Covered Wagon Days," "Cowboy from Sundown," "Land of Six Guns," "The Man from Tumbleweeds," "Ski Patrol." Class A-2, Unobjectionable for Adults—"The Saint Takes Over," "Song of the Road," "Way of All Flesh."

Kyser Wins Award

ST. LOUIS, May 14.—Harry C. Arthur, Jr., president and general manager of Fanchon & Marco Service Corp., has presented to Kay Kyser the first Fanchon & Marco Award of Supremacy, following his engagement at the Fox here.

Quits Theatre for Air

OAKLAND, Cal., May 14.—Don Logan has resigned as assistant manager of the Tiffany to join the production staff at Station KROW. Logan formerly was with the Regal in Los Banos, Cal.

Drop Midnight Shows

COLUMBUS, O., May 14.—Following similar action by the RKO Grand, Loew's Broad now has discontinued Saturday midnight shows.

Committees Named For Appeal Lunch

More than 500 persons prominent in the amusement fields are expected at the annual luncheon May 23 of the Amusement Division of United Jewish Appeal, it was said at yesterday's luncheon of the executive committee of the division at the Hotel Astor. The annual luncheon also will be held at the Astor.

Committees were named for the May 23 luncheon, representative of the various branches of the amusement field.

Leopold Friedman of Loew's presided at yesterday's meeting in the absence of David Bernstein, who was ill. Bernstein and Major Albert Warner are co-chairman of the division. Joseph C. Hyman, executive vice-chairman of the Joint Distribution Committee, in speaking at the luncheon, stressed the work of the Appeal in Europe.

The personnel of the committees follows:

Vice-chairmen: Barney Balaban, Nate J. Blumberg, Jack Cohn, Joseph Schenck, Nicholas M. Schenck, Lee Shubert and Murray Silverstone.

Producers: Abe Schneider, Nathan D. Spingold (Columbia); Howard Dietz, Oscar Doob, Leopold Friedman, Arthur M. Loew, Charles C. Moskowitz, Eugene Picker, Joseph R. Vogel (Loews-M-G-M); Edward A. Golden (Monogram); Herman Robbins (National Screen Service); Arthur Israel, Jr. (Paramount); Leon Goldberg, Malcolm Kingsberg, Phil Reisman (RKO); Herman B. Gluckman (Republic); Joseph H. Moskowitz, Aubrey Schenck, William Sussman (20th Century-Fox); Samuel Machinovitch, Joseph Seidelman (Universal); Max Blackman, Jules Levey, Sam E. Morris, Harold Rodner (Warner); Harry Gold, Paul N. Lazarus (United Artists); Budd Rogers (Independent); Max A. Schlesinger (Foreign Dept. & Film Imp.); Joseph D. Basson (Motion Pic. Operators); Isroy M. Norr (M.P.P.D.A.).

Publications: Maurice D. Kann, Sam Shain, Sid Silverman, Louis Sobol.

Artists: Milton Berle, Ben Bernie, Phil Baker, Eddie Cantor, Eddie Duchin, Benny Goodman, Lou Holtz, George Jessel, Abe Lyman, Arthur Murray, Molly Picon, Dave Rubinoff, Sam Saxe, Marvin Schenck, Sophie Tucker, Ed Wynn.

Artists' Representatives: William Morris, chairman; Herman Bernie, Harry Engel, Mike Hammer, Sam T. Lyons, Harry Mayer, Sidney H. Piermont, A. P. Waxman.

Broadcasting: Donald Flamm, chairman; Bert Lebar, co-chairman; Herbert I. Rosenthal, co-chairman.

Attorneys: William Klein, chairman; Louis Nizer, co-chairman; Julian T. Abeles, Stanleigh P. Friedman, Louis D. Frohlich, Joseph H. Hazen, Louis Phillips, Sol Rosenblatt, Charles Schwartz, Milton C. Weisman, William Weisman.

Costumes and Uniforms: James E. Stroock.

Independent Theatre Owners: Harry Brandt, chairman; William Brandt, Leo Brecher, Max Cohen, Simon H. Fabian, Louis Frisch, Arthur L. Mayer, Louis M. Nelson, Hyman Rachmil, Walter Reade, Samuel Rinzler, Samuel Rosen, Max Rudnick, Edward N. Rugoff, Rudolph Sanders, Fred J. Schwartz, Joseph Seider, Samuel Straussberg.

Laboratories: Alan E. Freedman, chairman; Jack Goetz.

Legitimate Theatres: Marcus Heiman, chairman; Samuel N. Behrman, Ben A. Boyar, Samuel M. Forrest, Harry M. Goetz, John Golden, Max Gordon, Moss Hart, George S. Kaufman, Harry Kaufman.

Motion Picture Accessories: B. S. Moss, chairman; George Feinberg, William Freedman, Emil Friedlander, Jules Catsiff, Manny Frisch, Joseph Hornestein, Stanley Kolbert, Ben Knobel, I. M. Loch, Milton Maier, Harry Mandel, Harry A. Nadel, Arthur M. Rapf, Sam Rosen, Ed Seider, Max Seligman, Charles Sonin, Monroe E. Stein, L. Suchman.

Motion Picture Exchanges: Harry Buxbaum, chairman; Nat Cohn, Morris Epstein, Joe Felder, Harold Goldgraben, Dave Levy, Mayron Sattler, Ed Schnitzer, Charles Stern.

Music Publishers and Composers: Louis Bernstein, chairman; Irving Berlin, Jack J. Bregman, Irving Caesar, Max Dreyfus, Sau. Immerman, Jack Mills, Edwin H. Morris, Jack Robbins, Herman Starr.

Orchestras: Willard Alexander, chairman; Harry Kalcheim, Harry Mayer, Jules C. Stein.

Night Clubs: Ted Friend, Lou Brecher, Billy Rose, Hy Gardner.



"The Picture
of the Month—
a great
achievement!"

says
Redbook
Magazine

THE FLOODLIGHTS OF THE INDUSTRY'S INTEREST ARE TURNED ON

BOSTON

...selected by Sol Lesser for the

WORLD PREMIERE

of his distinguished production of the
great Pulitzer Prize play

at Loew's State and Orpheum Theatres
Thursday, May 23rd

OUR TOWN

From the play by Thornton Wilder

starring WILLIAM HOLDEN • MARTHA SCOTT
with FAY BAINTER • BEULAH BONDI • THOMAS MITCHELL
GUY KIBBEE • STUART ERWIN • FRANK CRAVEN

Directed by SAM WOOD ("Goodbye Mr. Chips") Released thru UNITED ARTISTS



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Brief,
Accurate
and
Impartial

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NEW YORK, U. S. A., THURSDAY, MAY 16, 1940

TEN CENTS

English Trade About Normal Despite Crisis

**Expect Closings Only If
Air Attacks Start**

By AUBREY FLANAGAN

LONDON, May 15.—Despite the tense-ness of the war situation across the Channel, the film industry here thus far has been operating normally.

Last weekend, when the latest Nazi blitzkrieg against the low countries was launched, film houses suffered a sharp drop in attendance, but already this week they are recovering. However, the theatres in the West End of London are still having poor attendance.

Closing of English, and especially London theatres, is anticipated only in the event that large-scale bombing attacks are launched against this country by the Germans.

Production is continuing. Two Cities Films, Ltd., here yesterday started production on "Freedom," RKO film, with Mario Zampi producing and Anthony Asquith directing.

Despite the turn of events in the

(Continued on page 6)

House Urges Ban On Film, Air Funds

WASHINGTON, May 15.—A specific prohibition against the allocation of any funds by any Federal department for the Federal film or radio services today was recommended by the House Appropriations Committee in reporting the 1941 relief appropriation measure.

While the bill itself prohibits the allocation of funds to agencies unless specifically authorized, the committee recommended an express prohibition

(Continued on page 9)

Pittsburgh, Clinton See 'Lillian Russell'

PITTSBURGH, May 15.—Local civic leaders, socialites and the local film fraternity turned out in force tonight to join Coast stars and 20th Century-Fox executives at the opening of "Lillian Russell" at the Harris Alvin and Senator Theatres.

The premiere, similar to one in Clinton, Ia., climaxed a two-day celebration here, and a full day of public events. Edward Arnold, of the film's cast, acted as honorary Director of

(Continued on page 7)

Para. Reduces Debt \$17,000,000, Votes Common Dividends

Paramount since its reorganization in 1935 has reduced its debt more than \$17,000,000, under the direction of Barney Balaban, president, the company disclosed yesterday. At the same time, the directors voted a dividend of 15 cents a share on the common stock, with earnings of \$1,606,000 estimated for the first quarter of 1940.

This dividend is in addition to the regular quarterly dividends on the first and second preferred stock. The common dividend is the second to be paid by Paramount since its emergence from reorganization in 1935. The first, also a 15-cent dividend, was paid only a year ago. The dividend will be paid July 1 to holders of record June 10. The distribution, on 2,465,927 shares of common outstanding, will aggregate about \$370,000.

Paramount's earnings for the quarter compare with net of \$1,300,000 for the corresponding quarter last year. After deducting the regular quarterly dividends of \$1.50 per share on 144,

(Continued on page 9)

Changes in By-Laws Up at RKO Meeting

RKO stockholders, at their annual meeting June 5 at Dover, Del., will be asked to approve an amendment to the company's by-laws which would permit officers and directors to be indemnified by the corporation against all costs, including legal expenses, incurred as a result of a law suit in which the individual was made a de-

(Continued on page 9)

Goldwyn Backs Gallup Poll On Duals, Other Problems

By SHERWIN A. KANE

A Gallup poll of American public opinion on double features and allied film problems will be conducted by the American Institute of Public Opinion within the next few months at the instigation of Samuel Goldwyn, it was announced yesterday by the producer and Dr. George Gallup.

One of the principal aims of the poll aside from that of determining the attitude of the public toward double features, Gallup said, will be an attempt to discover why the approximately 25,000,000 Americans who could go to see motion pictures if they were so inclined, do not do so. This will entail questioning along lines

MYERS RUSHES TO DEFEND NEELY BILL

Majors Waive Bill In Griffith Suit

OKLAHOMA CITY, May 15.—Griffith Amusement Co. and major film company distributors today filed replies in Federal District court here in which they waived their rights to require the Government to furnish a detailed bill of particulars in its anti-trust suit here, as ordered earlier by Federal Judge Edgar S. Vaught.

Henry S. Griffing, attorney for Griffith, said the defendants' move has the effect of narrowing down the case where it will either come to early trial or will be dismissed. Griffing said the defendants did not favor a dismissal of the case, as sought by the Government for the purpose of taking an appeal from Judge Vaught's order directing it to furnish the bill.

Judge Vaught will hear arguments tomorrow on the Government's move to obtain dismissal of the case.

SPG Here Votes to Join Western Unit

The council of the Screen Publicists and Advertisers Guild of New York has voted to affiliate with the Screen Publicists Guild on the Coast. The S.P.G. council has already approved the move and the proposal will be placed before the memberships of both organizations in the near future, it was said.

No definite form of affiliation has

(Continued on page 9)

Civic Groups Make Way; Allied Counsel Urges No Amendments

WASHINGTON, May 15.—Facing the threat of amendments which would delay action on the Neely block booking bill by forcing its return to the Senate, public organizations supporting the measure today abruptly suspended testimony before the House Interstate and Foreign Commerce Committee to permit the appearance of Abram F. Myers, Allied general counsel.

Members of the committee yesterday—the second day of the hearings—suggested the need to amend the ban on the transportation of block-booked films and the synopsis section, and Myers was rushed on the stand to argue for the retention of both and to defend the latter against charges that it was so ambiguous as to threaten a flood of court cases.

At the outset of his testimony, Myers told the committee that no one will "quarrel with the objectives of the bill," that a clear-cut issue on

(Continued on page 6)

Neely Divorce Bill Hearings on Today

WASHINGTON, May 15.—Representatives of civic groups which this week urged the House Interstate and Foreign Commerce committee to approve the Neely block booking bill will appear before a Senate Judiciary subcommittee tomorrow to give their approval to the Neely affiliated theatre divorce bill. Both hearings will be in progress simultaneously.

Neely Governor Nominee in W. Va.

Charleston, May 15.—Senator Matthew M. Neely yesterday apparently won the Democratic nomination for Governor of West Virginia. The Democratic nomination in this State is virtually tantamount to election.

Although representatives of several organizations said their groups have taken no official stand on divorce, it became known today that a number of them may appear before the Neely

(Continued on page 6)

Personal Mention

WILLIAM F. RODGERS, M-G-M general sales manager; **HOWARD DIETZ**, advertising and publicity director, and other home office officials arrive today from the company's Chicago regional sales meeting.

JASPER D. RAPOPORT, Paramount branch manager in Havana, is due here within the next 10 days on a combined vacation and business trip.

EMANUEL SILVERSTONE, **MONROE GREENTHAL**, **HARRY KOSINER** and **AL MARGOLIES** lunching at Lindy's (next to the Rivoli) yesterday.

OSCAR DOOB, **DOUGLAS ROTHACKER**, **JOSEPH MALCOLM**, **SAM CITRON**, **BUDD ROGERS**, **TOM LOACH** and **HARRY THOMAS** at Bob Goldstein's Tavern for lunch yesterday.

CHARLES CASANAVE, **OWEN DAVIS**, **RUSSELL HOLMAN**, **SAM LYONS**, **E. C. GRAINGER**, **AUSTIN KEOUGH**, **GEORGE WELTNER**, **JAMES R. GRAINGER** and **CLIFTON FADIMAN** lunching at Nick's Hunting Room in the Astor yesterday.

MAJOR EDWARD BOWES, **ADOLPH ZUKOR**, **BARNEY BALABAN**, **CHARLES SONIN**, **MARTIN BECK**, **GUY BOLTON**, **AL LEWIS**, **LEE SHUBERT**, **EDWIN L. WEISL** and **HELEN EISEMANN** at Sardi's for lunch yesterday.

HARRY LINK, **LOUIS BERNSTEIN**, **WILLIAM BRANDT** and **VINCENT LOPEZ** at Lindy's (51st St.) yesterday for lunch.

DONAT BLAINE, operator of the Jodoin, Baltic, Conn., suffered a fractured nose in an automobile accident in which his car was demolished.

TONI NOVISKA, Polish dancer, leaves today by train for the Coast to be tested by **DAVID LOEW** and **ALBERT LEWIN** for the lead in their United Artists film, "Flotsam."

SAMUEL I. COLE of New Bedford is in town.

Blumenstock Starts For Indiana Today

Mort Blumenstock, Warners advertising and publicity head in the East, leaves tonight for South Bend, Ind., to meet S. Charles Einfeld, advertising and publicity director, for conferences on "The Life of Knute Rockne." Both will come here after the conferences.

Guardians

London, May 15.—Employment of boys under 16 as projection apprentices at West Ham, suburb, has struck an obstacle, in the form of an act of 1909 which prohibits children under 16 from attending adult films unless accompanied, and which applies also to employees.

The C.E.A. contends that the senior projectionist constitutes the boy's guardian while at work.

Coast Exhibitors To Neely Hearing

LOS ANGELES, May 15.—Robert H. Poole, executive director of the Pacific Coast Conference of Independent Theatre Owners, left tonight by train for Washington to testify at the Neely bill hearings. He will in addition represent the I.T.O. of Southern California and Arizona. Hugh Bruen, Conference trustee, will leave for Washington Saturday.

Representation was authorized by the Conference trustees following last week's convention at which the organization adopted conciliation as its "keynote and backbone" and denounced regulatory legislation.

Will Hays to Join Board of Railroad

WASHINGTON, May 15.—Will H. Hays, president of the M.P.P.D.A., today applied to the Interstate Commerce Commission to become a member of the board of the Chicago and Eastern Illinois Railroad Co. Hays will represent preferred stockholders, who will acquire 220,461 shares of common stock. The line has been in bankruptcy since April, 1933, and will be the first major railroad to complete reorganization under the Bankruptcy Act.

U. S. Attorneys Quiz N. M. Schenck Today

Nicholas M. Schenck, president of Loew's, Inc., will be examined today by Government attorneys in connection with the "key" anti-trust suit. He is expected to be accompanied by J. Robert Rubin, Loew's general counsel, and John W. Davis of company counsel. The interrogation will begin at 10 A. M.

New Tax Threat in Canada Parliament

TORONTO, May 15.—The Canadian Federal Parliament will open Thursday with the reported prospect of the creation of a new amusement tax as a war revenue measure in addition to existing levies. Exhibitors are watching the situation closely.

Coast Flashes

HOLLYWOOD, May 15.—Trial of the Ned Mann Co.'s suit against Walt Disney Productions for alleged patent infringement started today before Federal Judge Harry Hollzer. Disney's counsel in opening argument said Disney does not use the Mann photographic method of synchronizing human motion with animated drawings. This afternoon "Snow White" and "Pinocchio" were screened for Judge Hollzer at the Disney studios.

RKO today signed with the newly formed Frank Ross-Norman Krasna Productions for the release of "The Devil and Miss Jones," which will star Jean Arthur, wife of Ross, who will produce the film. Ross formerly was with Hal Roach.

Mrs. Emma Rowland, 83, mother of Richard Rowland, producer, died today at her Beverly Hills home. Funeral services will be Friday.

Not to Renew Film Contract of Quints

Toronto, May 15.—Twentieth Century-Fox has notified guardians of the Dionne Quintuplets that their film contract will not be renewed following the making of a final feature in the next few months, because the children are unable to speak English. The parents had insisted the youngsters be taught French only. A Canadian law makes both French and English official languages, therefore the Government is powerless to act.

Thousands Attend 'Edison' Ball in N.J.

The Edison premiere ball, a feature of the "Pageant of Progress" in the four Oranges of New Jersey, was held last night at the Orange Armory with several thousand in attendance. Spencer Tracy and Rita Johnson, co-stars of M-G-M's "Edison, the Man," which is tied in with the pageant, were among the participants. Also present were John Considine, producer of the film, and Clarence Brown, director.

Earlier yesterday, Miss Johnson was guest of honor at a luncheon in the Suburban Hotel, East Orange. At the luncheon were civic and state officials, including the mayors of the four Oranges and Maplewood.

Premiere showing of the picture is set for tonight at six theatres in the four towns simultaneously. The event will be broadcast over WHN and WNEW.

Ascap Briefs Due In Florida May 29

Time for the filing of briefs in Ascap's attack on the constitutionality of Florida's anti-Ascap law was extended from yesterday to May 29 by agreement between Florida state officials and Schwartz & Frohlich, Ascap counsel. The case was tried before a Federal statutory court at Gainesville, Fla., last month and decision was reserved pending completion of the briefs by both sides.

Mrs. Cullen Rites Today

DAYTONA BEACH, Fla., May 15.—Funeral services for Mrs. Hazelle Jennings Cullen, wife of M. J. Cullen, Loew's Western division manager, were held here today. Mrs. Cullen died here Monday after a long period of ill health. The body was cremated. Cullen's headquarters are in Columbus, Ohio.

Summer Houses to Open

Walter Reade's Paramount in Asbury Park opens May 25 for the summer. Other summer situations set for opening include the Rialto, Paterson, on June 1 for weekends only, and the Eagle in Brooklyn, next Sunday.

G.B. Quits K.R.S.

LONDON, May 15.—Gaumont British Distributors have resigned from the Kinematograph Renters Society.

Metro's New York Meeting Tomorrow

Sales staffs from some of the Eastern exchanges of M-G-M will gather at the Hotel Astor here tomorrow for the third of four company regional sales meetings. The two-day meeting will be followed by the final sessions, at the Hotel Shoreham in Washington next Tuesday.

The company's product announcement is expected to be made at the local sessions, which will be presided over by William F. Rodgers, general sales manager, and Thomas J. Connors, Eastern and Southern sales manager.

Others present from the home office will include: Howard Dietz, director of advertising and publicity; Silas F. Seidler, advertising manager; William R. Ferguson, exploitation manager; Art Schmidt, publicity manager; Alan F. Cummings, manager of exchange operations; Edwin W. Aaron, assistant to Rodgers; Charles Deesen and I. Leonard Hirsch, assistants to Connors.

The sales staffs at the meeting will include:

Boston: Maurice N. Wolf, district manager; John F. Byrne, branch manager; Benjamin Bechick, Raymond J. Curran, Maurice Goldstein, J. Edward Renick, Harry Rosenblatt, Harry O. Worden.

New Haven: Thomas J. Donaldson, branch manager; Milton Hyams, Morton L. Katz.

Philadelphia: Robert Lynch, branch manager; Salem E. Applegate, sales manager; Frank M. Jelenko, Nicholas P. Lloyd, Joseph F. Morrow, Clarence C. Pippin.

Albany: Ralph Pielow, branch manager; Arthur Horn, Eugene Vogel, William Williams.

Buffalo: Ralph W. Maw, branch manager; Abraham T. Harris, Alexander W. Weissman, Emanuel M. Woronov.

Charlotte: Benn Rosenwald, branch manager; Thomas E. Bailey, Raymond W. Ervin.

New Jersey: Benjamin Abner, branch manager; Louis Allerhand, Herman L. Ripps.

New York: Edward K. O'Shea, district manager; John J. Bowen, branch manager; Howard M. Levy, Harry W. Miller.

Washington: Rudolph Berger, branch manager; Phil Bobys, Harry Cohen, Jacob M. Goldberg, Frank J. Scully.

Atlanta: Charles E. Kessnich, district manager.

Pittsburgh: John J. Maloney, district manager.

Win Franklin Award

PHILADELPHIA, May 15.—Leopold Mames and Leo Godowsky, Jr., who invented the Kodachrome process of color photography at the Eastman Kodak plant in Rochester, have been awarded the Edward Longstreth Medal by the Franklin Institute here.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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WARNERS have

EDW. G. ROBINSON BACK IN ACTION!

SO

(Winchell's preview flash)

.. "GET OUT YOUR ORCHIDS FOR

'BROTHER ORCHID'!"



with

ANN SOTHERN

DONALD CRISP • HUMPHREY BOGART • RALPH BELLAMY

ALLEN JENKINS • Directed by LLOYD BACON

Screen Play by Earl Baldwin • Based on the Collier's Magazine Story by Richard Cannel • A Warner Bros. Twin Motopac Picture

"Lillian Russell" Three-City

PITTSBURGH—150,000 in **giant turn-out!** Police and National Guardsmen rope off entire length of 6th Street from Pennsylvania Avenue to river for opening at Harris-Alvin! Senator Theatre forced to open to accommodate clamoring thousands at same \$1.10 scale! Fevered **boxoffice stampede** climaxes 72 hours of unprecedented civic excitement and celebration! Mile-long parade down "Avenue of Flags"! \$100-a-plate "Diamond Jim Brady Banquet"! **Three network broadcasts!** Special airport ceremonies and Mayor's reception for stars Alice Faye, Edward Arnold! Nation-wide wire service news coverage blazons event to **millions!**

HOLLYWOOD—unprecedented press coverage attests news-importance and nation-wide interest in coast premiere at Grauman's Chinese! 400 important Hollywood correspondents **blanketing nation** augmented by key critics from every city in West! Excited throngs fill Hollywood Boule-

World Premiere News!

vard, **halt traffic**, storm theatre's mammoth courtyard! Stars and celebrities too numerous to mention! Gala audience in **great ovation!** Listening millions thrill to Richfield Hour broadcast of event!

LINTON, IOWA—100,000 crowd into town from miles around! Both Capitol and Rialto Theatres **sold out ten days in advance** at \$1.50 and \$1.10! Police reinforcements rushed from Davenport, Rock Island and Moline! State constabulary detour all highway traffic! Entire business section transformed into municipality of gay 90's with townspeople in costume! Block parties! Masquerades! Dances! Ceremonies! **Wildly cheering throngs** welcome stars Don Ameche, Cesar Romero, Arleen Whelan, Mary Healy arriving on Streamliner "Treasure Island's" initial run! Three Governors participate in official festivities! **A red letter day** for Clinton—flashed to the nation by correspondents, news photographers, broadcasters!



Sam Goldwyn Backs Gallup Poll on Duals

(Continued from page 1)

a month to determine the procedure to be followed in making the poll and another month to conduct it. He estimated that 1,100 investigators would be assigned to the task and that approximately 30,000 interviews would be required. He emphasized that the number of interviews is of little significance in arriving at accurate reflections of public opinion, while the selection, or "cross-sectioning," of those to be interviewed is of major importance.

Cites Governor Poll

Gallup illustrated this by pointing out that the results of the Lehman-Dewey Gubernatorial campaign in New York were forecast by his poll within one-half of one per cent of the actual vote, although only 2,000 interviews were used in the poll, whereas the *Literary Digest* poll of the Roosevelt-Landon Presidential campaign used millions of votes and arrived at the wrong conclusion.

The interviews will be conducted among all age groups, all sections and will include frequent and infrequent theatre-goers, he said.

Gallup said that preliminary work in the motion picture field has convinced his organization that the industry's and Department of Commerce's figures of 85,000,000 to 88,000,000 weekly attendance at motion picture theatres is "grossly exaggerated." The actual figure, he believes, is somewhere in the neighborhood of 60,000,000—not less than 55,000,000 and not more than 65,000,000. He believes there are 90,000,000 people in the United States who go to a film theatre at least once a year, leaving about 25,000,000 who could go but do not.

Goldwyn said that the poll will have no effect on his future production plans, since he makes "so few" pictures, but that it should be invaluable as a guide to many Hollywood producers in many ways.

"For the first time," Goldwyn said, "the public will be given an opportunity to tell us what's wrong, instead of members of the industry, the press and critics. Hollywood thinks it knows what is wanted; then spends a million dollars on a picture, sends it out and discovers something is wrong."

The practical significance of the poll, however, was not clearly defined at the press interview in Goldwyn's Waldorf-Astoria apartment, attended by 23 newspaper and trade paper representatives, and with Amon Carter, Fort Worth publisher, an interested observer.

Golden to Mediate AGVA Circuit Fight

Two problems on which negotiations between major circuits and American Guild of Variety Artists were deadlocked will be submitted to Ben Golden, formerly mediator with the national and state labor relations boards. These issues will be the five per cent booking fee and a pro rata increase for performances exceeding 30 per week for performers earning minimum salaries.

Myers Rushes to Defense Of Neely Block Booking Bill

(Continued from page 1)

block booking has not been raised for many years, and that not even the opposition defend the practices at which the measure is aimed "but base their arguments upon alleged ambiguities in the bill or the hardship which allegedly will result from its enforcement."

In no other line of business is the purchaser subjected to the requirements laid down by the distributors, he contended, under which he must "accept the full line which each offers without being permitted to select the goods best suited to his class of patrons and to reject those which he knows will not be acceptable."

'Monopoly Regulation Proper'

"This is as much an anti-monopoly bill as a community freedom bill, and regulation of monopoly always has been considered a proper subject of legislation," he pointed out.

"By this method the producers require the independent exhibitors to underwrite blindly and in advance all of their products, including the inferior products which they are unwilling to exhibit in their own theatres."

Taking up the differential provision, which was under attack yesterday, Myers asserted it does not involve government price-fixing and will not result in excessive litigation. "The only change will be a reversion to the former practice of pricing the pictures individually at the time they are offered and entering those prices in the contract itself," he explained. "That will deprive the distributor of the power he now wields of allocating the pictures solely in his own interest after the earning power of the pictures has been demonstrated."

"The bill does not confer upon the exhibitor any right to sue for alleged unreasonable differentials," he argued, pointing out that enforcement is left to the Government.

Under examination by Rep. Lyle Boren (Dem., Okla.), Myers said that in pricing their pictures now the distributors ask "all the traffic will bear" and declared they have a formula worked out for each house, based on previous experience with the theatre. "We are not supposed to know about that," he observed parenthetically.

Defends Theatre Owners

However, he admitted under further questioning, the exhibitor also operates on the principal of getting all the traffic will bear, although he defended the theatre owners by explaining that the distributors have a clause in their contracts prohibiting admissions lower than 15 cents. He charged that this was due primarily to a desire to cover up the difference between the admissions that would be charged by the independents and those of the major first run houses.

Members of the committee, interested in the situation of the exhibitors, sought from Myers an explanation how the bill would enable a subsequent run house to get first runs, and were told that, except for the increased producer competition which is hoped for, there will be little they can do in that direction.

"This can't be a bill really directed at one thing and shooting at something else, can it?" questioned Rep.

Charles L. South (Dem., Tex.), suspiciously.

"I don't think so," Myers replied.

Rep. Carl Hinshaw (Rep., Cal.), suggested that the film industry setup was comparable to that of certain other industries, where exclusive franchises are given some dealers with others permitted to share in the business as subsidiary agents.

McGranery for Amendment

The need for amendment of the synopsis provision was emphasized by Rep. James P. McGranery (Dem., Pa.), who proposed that the whole section be simplified by cutting out all requirements except for a "true" synopsis. Myers refused to admit that any of the section was unnecessary and also urged that the committee not attempt to amend the bill, because of the delays which would ensue, since it would have to be returned to the Senate for concurrence, which might make enactment impossible this year.

However, Myers said under pressure from the Congressman, he would discuss the proposal with other proponents of the measure in an effort to work out some satisfactory requirement.

Myers showed the committee an M-G-M contract, explaining how the only reference to the films bought thereunder was the assignment of certain numbers to the various classifications. The only film referred to by name, he said, was "Gone With the Wind" and then only to tell the exhibitor "You can't have that." That film, he said, was released under the conditions which the Neely bill would create.

"If this bill was made law and all pictures were released on that basis what chance would the back-street exhibitor have of getting pictures at all," he was asked by Rep. Luther Patrick (Dem., Ala.).

Sees Production Increase

Under the bill, Myers said in response to further questions, independent production would increase and, since the exhibitors would have more time on their screen than is available under block booking, such films would have a chance of circulation.

Other witnesses were heard briefly by the committee today, placing their organizations on record in support of the bill, those appearing including Mrs. R. Carver, Washington, Council of Women for Home Missions; Mrs. Elizabeth St. John, Honolulu, Hawaii, Parent-Teachers Association; Mrs. Howard S. Shepard, Worcester (Mass.), Better Films Council; Miss Gladys Wykoff, Washington, American Home Economics Association; Miss Izora Scott, Washington, Women's Christian Temperance Union; Miss Inez Colcord, Washington, American Association of University Women, and Mrs. Robert L. Jeffreys, Washington, District of Columbia P. T. A.

Approximately a dozen more representatives of the public groups remain to be heard, after which the independent exhibitors will testify, with Allied to be represented by Sidney Samuelson, Col. H. A. Cole, Nathan Yamins and I. E. Chadwick, the latter an independent producer.

English Trade About Normal Despite Crisis

(Continued from page 1)

war, the Board of Trade is completing plans for the industry, with a meeting of the Films Council scheduled for next week probably Tuesday. The Council is expected to hear final industry plans, but immediate public announcement is considered highly improbable.

Harry P. E. Mears, president of the Cinematograph Exhibitors' Association, disclosed that he had received a reply to his cable to Louis B. Mayer, head of M-G-M production, in which he had asked that "Gone With the Wind" be released here on normal rental terms, and with no increase in admissions. Mayer, according to Mears, disclaimed responsibility for the terms, and suggested a solution might be reached if the distributor and exhibitors confer jointly on the matter here. The C.E.A., endorsing the suggestion, declared its readiness to meet Sam Eckman, M-G-M head in England.

Neely Divorce Bill Hearings on Today

(Continued from page 1)

subcommittee to urge divorce as another step toward the elimination of the conditions aimed at by the newest Neely measure.

The simultaneous hearings on the block booking and divorce bills may present a special problem to the opposition, which will be heard last by both committees. While the Senate group may finish up with the proponents in time to hear the opposition this week, it is more likely that both Senate and House committees will be hearing opposition speakers at the same time next week.

Officials of the Senate committee said tonight they had no idea as yet as to the number of witnesses who will be heard. Control of the hearing is in the hands of Senator Neely, chairman of the subcommittee, who was in West Virginia today. Members of the committee are William H. King, Utah; Frederick Van Nuys, Indiana, Democrats, and Warren R. Austin, Vermont, Republican.

W. B. Award Short In 4,000 Theatres

More than 4,000 theatres in the United States and Canada have closed for the showing of Warners' "Cavalcade of Academy Awards," short subject, according to Gradwell L. Sears, general sales manager.

Among the circuits and independents who have booked the subject are: Radio City Music Hall, three weeks; Fox West Coast; RKO Circuit, nationally; Lucas and Jenkins, Atlanta; Tony Sudekum Theatres, Atlanta; Roy Martin Circuit, Atlanta; Joe Blumenfeld Theatres, San Francisco; John Danz Circuit, Seattle; Warner Theatres; S. L. Lynch Paramount Theatres, Miami; Famous Players Canadian, all houses; Detroit Paramount Theatres; Mary Anderson Theatre, Louisville; Victory, Dayton; Majestic, Buffalo, and Shea Theatres.

Sees No New Expansion in S. A. Possible

The fact that American films command 90 per cent of the playing time of Latin American theatres was cited yesterday by Enrique Baez, United Artists manager for Brazil, who is in New York for a home office visit, as proof that there is no opportunity for further expansion in that market on a scale likely to compensate in any significant way for lost European revenues.

Baez said there has been little change in possibilities for American films in Brazil since the outbreak of the war. Where fewer German films are received and played, there has been a slight increase in French and native product, with American films maintaining their established position. Opening of new markets in Brazil is not practicable, he said, because all accessible communities already are being served and the difficulty of getting shipments into remote areas makes the attempt unprofitable.

Baez reported that the currently discussed policy here of raising admissions for outstanding pictures has been in operation successfully for some time at the Opera in Sao Paulo, Brazil.

Pittsburgh, Clinton See 'Lillian Russell'

(Continued from page 1)

Public Safety for the day, while Alice Faye served as honorary mayor. A parade at noon was witnessed by a huge throng and included veterans organizations, radio station orchestras, police and fire units, U. S. Marines, civic groups and transportation relics from the days of Lillian Russell.

Visiting guests, including newspaper representatives, toured the city this afternoon, attended an informal dinner at the William Penn Hotel, and a reception at the Variety Club quarters following the double premiere.

CLINTON, Ia., May 15.—A three-day "Gay Nineties" celebration in this town, the birthplace of Lillian Russell, was climaxed tonight with the world premiere of 20th Century-Fox's film, "Lillian Russell" at the Capitol and Rialto, simultaneously with the Pittsburgh opening.

Don Ameche, Cesar Romero, Mary Healy and Arleen Whelan came on from the Coast for the event, and were greeted by Gov. George Wilson of Iowa and Mayor Harry Pape of Clinton. A horse and buggy parade was followed by a luncheon for 300 at the Clinton Country Club, sponsored by the local Chamber of Commerce, with George Wagner, president, presiding. Ameche this afternoon dedicated a plaque marking the birthplace of Lillian Russell. A ball tonight followed the premiere of the film at the two theatres, at which the stars appeared.

Attend 'Town' Opening

Frank Craven, Fay Bainter and Beulah Bondi, featured in Sol Lesser's United Artists film, "Our Town," will attend the world premiere in Boston May 23. They will arrive from the Coast May 22.

British Circuit Tax Totaled \$13,840,000

London, May 15.—In less than 24 years—the law was placed on the statute book in 1916—Moss Empires, British theatre circuit, have paid out £3,840,000 (about \$13,840,000) in theatre tax. A tax of £90,000 was paid last year.

U.A. Executives Go To Chicago Today

United Artists home office executives will leave today for Chicago, where the Western regional sales meeting will open tomorrow at the Congress Hotel. The three-day session will be presided over by L. J. Schlaifer, vice-president and Western general sales manager.

Eastern sales forces left for their offices last night, as the sales meeting here concluded yesterday with district manager conferences.

From the home office will go Murray Silverstone, chief of world-wide operations; Harry L. Gold, vice-president and Eastern general sales manager; Harry D. Buckley, vice-president in charge of corporate affairs; Paul N. Lazarus, contract manager; J. D. Goldhar, Western district manager; Ben Fish, Far-Western district manager; Lynn Farnol, director of advertising and publicity; Monroe W. Greenthal, director of exploitation; Albert Margolies, publicity manager; Arthur Silverstone, assistant to Gold; Seymour Poe, assistant to Schlaifer; Charles M. Steele and N. A. Thompson, sales controller.

Talks by Producers

James Roosevelt, Sol Lesser and Hal Roach, producers, are scheduled to address the meeting.

Among the producers' representatives who will be present at the convention are: James A. Mulvey, vice-president and Eastern representative for Samuel Goldwyn; Emanuel Silverstone, Alexander Korda representative; Lowell V. Calvert, Eastern representative for David O. Selznick; Harry Kosiner, Eastern representative for Walter Wanger; J. J. Milstein, Eastern representative for Edward Small; Thomas Walker, vice-president and Eastern representative for Roach.

Field staffs attending will include:

Chicago—I. Schlank, manager; Ben Eisenberg, Frank Young, J. E. Armgardt, Will Baker, Nat Nathanson, H. D. James and Oscar Bernstein.

Denver—Earl Collins, manager; Al Hoffman, Alex Singelow and B. E. Mariner.

Detroit—Moe Dudelson, manager; I. Weingarten, Sid Bowman and P. Monsky.

Kansas City—Bill Truog, manager; John Graham, O. O. Flake and G. I. Bradford.

Los Angeles—E. W. MacLean, manager; Guy Gunderson, Fred Gage and Kenneth MacKaig.

Milwaukee—Jimmy Abrose, manager; Noe Provencher and L. Weingarten.

Minneapolis—Ralph Cramblet, manager; Frank Eisenberg, C. J. Chouinard, F. J. Kaiser and E. B. Lund.

Omaha—D. V. McLucas, manager; J. E. Schlank, E. P. Pickler, H. R. Barker and E. Rostermundt.

St. Louis—Ben Robins, manager; James Greig, Eddie Ashkins and Ray Wylie.

Salt Lake City—Tony Hartford, manager; W. K. Millar, Joe Solomon and E. M. Gibson.

San Francisco—D. J. McNeerney, manager; Ollie Watson, Paul Bush and Jack O'Loughlin.

Seattle—F. M. Higgins, manager; A. H. Klepper, Jack O'Bryan, A. J. Sullivan and Alfred Bloom.

THE EMOTIONAL "BIG PARADE" OF 1940



LOVE-STARVED WOMEN IN UNIFORM... MEN WHOSE DAYS ARE NUMBERED... THROWN TOGETHER IN A WORLD GONE MAD!



WOMEN IN WAR

with

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MAE CLARKE • DENNIE MOORE • DOROTHY PETERSON

BILLY GILBERT • COLIN TAPLEY

DIRECTED BY JOHN H. AUER

A REPUBLIC PICTURE



MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



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	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Apr. 19		Two Girls on Broadway (G-C) <i>Turner-Blondell</i>	Tomboy (G-D) <i>Jackie Moran</i> Pals of the Silver Sage (O) <i>Silver Sage</i>	Light of the Western Stars (G-O) <i>Victor Jory</i> <i>Jo Ann Sayers</i>	Dark Command (D) In Old Missouri (G-M)	Abe Lincoln in Illinois (G-D) <i>R. Massey</i> <i>Ruth Gordon</i>	Johnny Apollo (G-D) <i>Tyrone Power</i>		Enemy Agent (G-D) <i>Cromwell-Vinson</i>	'Till We Meet Again (G-D) <i>Oberon-Brent</i>
Apr. 26	Doctor Takes a Wife (A-C) <i>Ray Milland</i>	Forty Little Mothers (A-C) <i>Eddie Cantor</i>	Mysterious Mr. Reeder (D) <i>Will Fyffe</i> <i>Kay Walsh</i>	French Without Tears (A-C) <i>Drew-Milford</i>	Covered Wagon Days (O) Grandpa Goes to Town (G-C)	Curtain Call (G-D) <i>Helen Vinson</i>	Shooting High (G-O) <i>Gene Autry</i>		An Angel from Texas (C) <i>Albert-R. Lane</i>	An Angel from Texas (C) <i>Albert-R. Lane</i>
May 3	Man from Tumbleweeds (O) <i>Bill Elliott</i>	20 Mule Team (G-D) <i>W. Beery</i> <i>Leo Carrillo</i>	Land of the Six Gun (O) <i>Jack Randall</i>	Buck Benny Rides Again (C) <i>Jack Benny</i>	Crooked Road (D) <i>Edmund Lowe</i> <i>Irene Hervey</i>	Irene (G-D) <i>Anna Neagle</i> <i>Ray Milland</i>	So This Is London (C) <i>George Sanders</i>	Saps at Sea (G-C) <i>Laurel-Hardy</i>	If I Had My Way (G-M) <i>Bing Crosby</i>	Tear Gas Squad (D) <i>John Payne</i> <i>Dennis Morgan</i>
May 10		Edison, the Man (D) <i>Spencer Tracy</i> <i>Rita Johnson</i>	Cowboy From Sundown (O) <i>Tex Ritter</i>	Opened by Mistake (G-C) <i>Charlie Ruggles</i> <i>Janice Logan</i>	Gauche Serenade (O) <i>Gene Autry</i> <i>Smiley Burnett</i>	Beyond Tomorrow (G-D) <i>Binnie Barnes</i>	I Was An Adventuress (G-D) <i>Zorina-Greene</i>	Ski Patrol (G-D) <i>Lili Deste</i> <i>Philip Dorn</i>	Saturday's Children (D) <i>John Garfield</i> <i>Ann Shirley</i>	Saturday's Children (D) <i>John Garfield</i> <i>Ann Shirley</i>
May 17	Babies for Sale (D) <i>Glenn Ford</i> <i>R. Hudson</i>	Waterloo Bridge (A-D) <i>Robert Taylor</i> <i>Vivien Leigh</i>	Kid From Santa Fe (O) <i>Jack Randall</i>	The Biscuit Eater (G-D) <i>Billy Lee</i> <i>C. Hickman</i>	Typhoon (D) <i>Dorothy Lamour</i> <i>Robert Preston</i>	My Favorite Wife (D) <i>Dunne-Grant</i>	On Their Own (G-C) <i>Jones Family</i>	Turnabout (A-C) <i>Carole Landis</i> <i>Adolph Menjou</i>	Alias the Deacon (G-C) <i>Bob Burns</i> <i>Mischka Auer</i>	Flight Angels (G-D) <i>V. Bruce</i> <i>R. Bellamy</i>
May 24	Isle of Doomed Men (D) Texas Stagecoach (O)	Susan and God (D) <i>Fredric March</i> <i>Joan Crawford</i>	Riders from Nowhere (O) <i>Jack Randall</i>	Those Were the Days (C) <i>Wm. Holden</i> <i>B. Granville</i>	Women in War (D) <i>Elsie Janis</i> <i>Wendy Barrie</i>	You Can't Fool Your Wife (C) <i>Lucille Ball</i> <i>J. Ellison</i>	Lillian Russell (M) <i>Don Ameche</i> <i>Alice Faye</i>	Our Town (A-D) <i>William Holden</i> <i>Martha Scott</i>	Hot Steel (D) <i>Richard Arlen</i> <i>Andy Devine</i>	Torrid Zone (A-C) <i>Cagney-O'Brien</i> <i>Ann Sheridan</i>
May 31	Lone Wolf Meets a Lady (D) <i>W. William</i> <i>Jean Muir</i>	Phantom Raiders (D) <i>Walter Pidgeon</i> <i>Florence Rice</i>		Hidden Gold (O) <i>William Boyd</i> <i>Russell Hayden</i>		Saint Takes Over (G-D) Prairie Law (O) <i>George O'Brien</i>	Girl in 313 (D) <i>Florence Rice</i> <i>Kent Taylor</i>	La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) <i>Ronald Reagan</i> <i>John Littel</i>	Murder in the Air (D) <i>Ronald Reagan</i> <i>John Littel</i>
June 7	Passport to Alcatraz (D) <i>Jack Holt</i> <i>Noah Beery, Jr.</i>	The Mortal Storm (D) <i>M. Sullivan</i> <i>Jimmy Stewart</i>	On the Spot (D) <i>Frankie Darro</i> <i>Mary Korman</i>	Safari (D) <i>Fairbanks, Jr.</i> <i>M. Carroll</i>		Tom Brown's School Days (D) <i>F. Bartholomew</i> <i>Sir C. Hardwicke</i>	Earthbound (D) <i>Warner Baxter</i> <i>Andra Leeds</i>	No Exit (D) <i>Wallace Ford</i> <i>Kathryn Adams</i>	Brother Orchid (D) <i>Ed. G. Robinson</i> <i>Bogart-Sothorn</i>	Brother Orchid (D) <i>Ed. G. Robinson</i> <i>Bogart-Sothorn</i>
June 14	Girls of the Road (D) <i>Lola Lane</i> <i>Helen Mack</i>	The Captain Is a Lady (D) <i>Virginia Grey</i> <i>Billie Burke</i>	Queen of the Yukon (O)	Way of All Flesh (D) <i>Tamiroff</i> <i>Gladys George</i>		Thousand Dollar Marriage (C) <i>Leon Errol</i>	Four Sons (D) <i>Don Ameche</i> <i>Alan Curtis</i>	Sandy Is a Lady (D) <i>Baby Sandy</i> <i>Nan Gray</i>	Fugitive from Justice (D) <i>Roger Pryor</i> <i>Lucile Fairbanks</i>	Fugitive from Justice (D) <i>Roger Pryor</i> <i>Lucile Fairbanks</i>
June 21		New Moon (M) <i>Nelson Eddy</i> <i>J. MacDonald</i>	Ridin' the Trail (O) <i>Fred Scott</i>	Queen of the Mob (D) <i>Ralph Bellamy</i> <i>Blanche Yurka</i>		Anne of Windy Poplars (D) <i>Anne Shirley</i> <i>James Ellison</i>	Charlie Chan's Murder Cruise (D) <i>Sidney Toler</i>	I Can't Give You Anything But Love, Baby (M) <i>B. Crawford</i>	Gambling on the High Sea (D) <i>Wayne Morris</i>	Gambling on the High Sea (D) <i>Wayne Morris</i>
June 28	Blondie Beware (C) Return of Wild Bill (O)			The Ghost Breakers (C) <i>Bob Hope</i> <i>P. Goddard</i>		Dr. Christian Meets the Women (D) <i>Leonid Kinskey</i> <i>Tom Hall</i>	Lucky Cisco Kid (O) <i>Cesar Romero</i> <i>Evelyn Venable</i>		All This and Heaven Too (D) <i>Bette Davis</i> <i>Charles Boyer</i>	All This and Heaven Too (D) <i>Bette Davis</i> <i>Charles Boyer</i>
July 5							Sailor's Lady (D) <i>Nancy Kelly</i> <i>Tom Hall</i>	One of the Boston Bunch (C) <i>Jack Hackett</i>		

Changes in By-Laws Up at RKO Meeting

(Continued from page 1)

fendant because of his position with the company.

This will be the first stockholders' meeting since the reorganization of the company.

George J. Schaefer, president of RKO; Ned E. Depinet, vice-president, and William Mallard, secretary, have been designated a proxy committee.

The meeting is not scheduled to elect directors, since members of the present board were designated for two-year terms with the approval of the court in 1939.

The proxy statement asserts that: "If the corporation is to continue to secure and retain the services of capable and responsible persons to serve as its directors and officers, the management believes that it is fair and proper that the corporation agree to reimburse its directors and officers for expenses reasonably incurred by or imposed upon them in connection with legal proceedings in which they may be made parties by reason of their positions."

The company's proxy statement includes a consolidated balance sheet giving effect to the company's plan of reorganization as of Jan. 1, 1940, details of which were published in MOTION PICTURE DAILY May 13. The statement also shows that RKO's 28 foreign subsidiaries, not consolidated, had total net assets of \$1,759,579, as of Jan. 1, of which \$813,181 was in England.

RKO's equity in undistributed surpluses of these foreign subsidiaries was \$708,991, and amounts receivable from the subsidiaries aggregated \$983,098. Remittances from the foreign subsidiaries received by RKO during the period between the closing of their books in 1939 and Jan. 1, 1940, amounted to \$584,245.

Kay Kyser and 'Own' Set St. Louis Record

ST. LOUIS, May 15.—Kay Kyser and his band broke all records at the Fox with \$43,000. The film was "On Their Own."

Estimated takings for week ending May 9:

"If I Had My Way" (Univ.)

"Alias the Deacon" (Para.)

AMBASSADOR—(3,018) (25c-40c-55c) 6 days. Gross: \$9,500. (Average, 7 days, \$11,500)

"On Their Own" (20th-Fox)

FOX—(5,038) (25c-40c-55c). On stage: Kay Kyser's Band with Ginny Simms, Harry Babbitt, Sully Mason and "Ish Kabbille."

7 days. Gross: \$43,000. (Average, \$11,000)

"House Across the Bay" (U. A.)

"And One Was Beautiful" (M-G-M)

LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$10,800. (Average, \$13,000)

"Primrose Path" (RKO)

"Johnny Apollo" (20th-Fox)

MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$4,800. (Average, \$4,000)

"Thou Shalt Not Kill" (RKO)

"The Courageous Dr. Christian" (RKO)

ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: \$3,600. (Average, \$2,600)

SPG Here Votes to Join Western Unit

(Continued from page 1)

been worked out, it was explained, but there will be a meeting on the Coast in July of representatives of both groups, when all details will be arranged. Organization efforts will continue in New York meanwhile. Affiliation was voted at a meeting late Tuesday night after an address by George E. Bodle, S.P.G. attorney.

Paramount Reduces Debt, Declares Common Dividend

(Continued from page 1)

672 shares of first preferred outstanding, and 15 cents per share on 555,701 shares of second preferred outstanding, amounting to approximately \$300,268, there remains \$1,305,732, equivalent to 53 cents per share on the common. The preferred dividends were also voted by the board yesterday, payable July 1 to holders of record June 14.

The estimated first quarter earnings are after provision for all interest and charges and include \$716,000 representing Paramount's share as a stockholder in the undistributed earnings for the quarter of non-consolidated subsidiaries. Such interest during the corresponding quarter of 1939 amounted to \$678,000.

Paramount reported cash on hand as of March 30, last, of approximately \$12,000,000, and cash held by non-consolidated subsidiaries, in which the parent company holds a 50 per cent interest, aggregating approximately \$8,500,000.

In addition to the \$17,000,000 indebtedness reduction, interest charges on indebtedness have been reduced \$1,700,000 in the last five years, and approximately \$10,000,000 has been expended on improvements and additions.

Company Statement

A company statement issued following the meeting declared: "For several years Paramount has been husbanding its resources, reducing its fixed charges, cutting its debt, improving its efficiency, reducing overhead and getting into a strong cash position so that it was well prepared financially to meet the presently restricted European market. Today practically only the English market remains as a source of revenue from Europe for the picture industry. The fortunate fact that Paramount has interests in a large number of theatres throughout the United States which are not directly affected by the European unsettlement, is a factor of continuing strength in the company."

Republic to Hold 4 Regional Meetings

Republic will hold four regional sales meetings, in San Francisco, Memphis, Chicago and New York. James R. Grainger, president, declared yesterday before leaving for the Coast by plane with Herbert J. Yates.

The exact dates of the four meetings will be determined by Grainger following his arrival at the studio, scheduled for the middle of next week. He plans to stop over en route West at several exchange centers, while Yates will go directly to Hollywood. However, it is expected that the meetings will take place between May 27 and June 10. Grainger will preside at all four meetings.

7 Top W. B. Films Listed for Summer

Warners plans to release seven important productions during the Summer, Gradwell L. Sears, general sales manager, said yesterday.

The films and their release dates are: "Torrid Zone," May 25; "Brother Orchid," June 8; "All This and Heaven, Too," June 29; "The Sentence," July 6; "Episode," July 13; "They Drive by Night," July 27; "The Sea Hawk," Aug. 24.

Open 48th St. Music Hall

The 48th St. Music Hall has opened with a variety of old time films and various "audience participation" events. Numerous stage and film personalities attended the opening, for the benefit of the French and British Relief Funds.

Heymann Due Soon

Andre Heymann, head of French Cinema Center, is expected from Paris the later part of this month or early in June. He sailed last month to acquire French Product for distribution here.

Reopen in California

SUISUN, Cal., May 15.—James Law and G. R. Moore have reopened the Suisun, following rebuilding.

House Urges Ban On Film, Air Funds

(Continued from page 1)

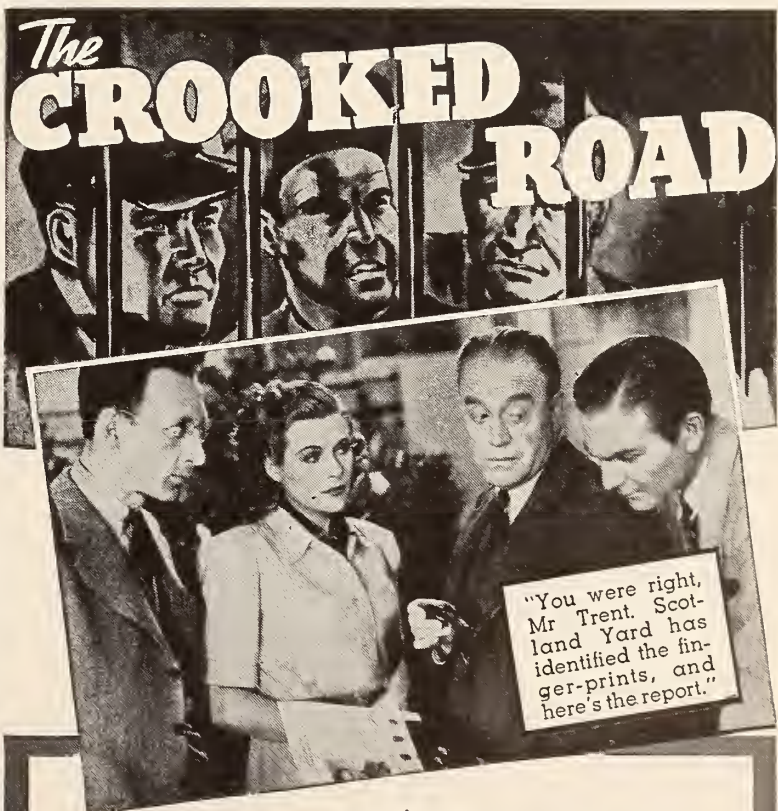
in the case of film and radio services. The committee also continued the prohibition on any theater project and added to the list of prohibited uses a ban on the expenditure of any of the funds "for radio broadcasting or for the acquisition, rental or distribution of motion picture films."

Actors Equity had asked the committee for relief for actors but not for restoration of the Federal Theatre Project. Equity representatives said that legitimate unemployed performers never had a chance on the Project and suggested that plays be presented in high schools in connection with class work. Equity asked for the establishment of traveling theatres and presentations in C.C.C. camps.

Equipment valued at \$195,386 was in the hands of the project when it closed on June 30, Col. C. F. Harrington, Works Progress Administrator, told the committee. Investigating the status of the project in connection with its possible reinstatement, the committee learned that only \$13,498 worth of equipment had been sold, although some of it is being used by other branches of the Government. Of the total amount of equipment, New York City had \$79,120, with \$15,000 in other parts of the State; California had \$25,845; New Jersey, \$21,975.

'Youth' at Central

"Mad Youth," opened yesterday at the Central for a week. The film is distributed in New York and northern New Jersey by Walter Bibb's Atlas Film Exchange, Inc.



with
EDMUND LOWE • IRENE HERVEY
HENRY WILCOXON • PAUL FIX

Directed by Phil Rosen
A REPUBLIC PICTURE

'Buck' Rides Frisco Herd With \$23,000

SAN FRANCISCO, May 15.—"Buck Benny Rides Again" drew an outstanding \$23,000 at the Fox. "Escape to Paradise" took \$14,000 at the Golden Gate, and "Rebecca" drew \$7,200 in the seventh week at the United Artists.

Estimated takings for the week ending May 7-10:

"Escape to Paradise" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: \$14,000. (Average, \$15,000)
"The Doctor Takes a Wife" (Col.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$7,800. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
"Tear Gas Squad" (W.B.)
FOX — (5,000) (15c-30c-35c-40c) 7 days. Gross: \$23,000. (Average, \$16,000)
"Johnny Apollo" (20th-Fox)
"Star Dust" (20th-Fox)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$11,000. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 7th week. Gross: \$7,200. (Average, \$8,000)
"The Dark Command" (Rep.)
"An Angel from Texas" (W. B.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$5,800. (Average, \$6,000)
"Saturday's Children" (W. B.)
"Son of the Navy" (Mono.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$10,000. (Average, \$12,000)
"Life of Giuseppe Verdi" (Foreign)
CLAY—(400) (15c-35c-50c) 7 days, 3rd week. Gross: \$800. (Average, \$1,000)
"Cloistered"
LARKIN — (390) (15c-35c-40c) 7 days. Gross: \$700. (Average, \$1,000)

'Bay' Takes \$6,200 In Cincinnati Slump

CINCINNATI, May 15.—"The House Across the Bay" gave Keith's \$6,200 and was the only picture to go above average.

Estimated takings for the week ending May 8-11:

"Forty Little Mothers" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 5 days. Gross: \$5,700. (Average, \$7,500)
"Dr. Cyclops" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$9,700. (Average, \$10,000)
"Rebecca" (U. A.)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 4th week. Gross: \$4,000. (Average, \$10,000)
"My Son, My Son" (U. A.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$4,700. (Average, \$6,500)
"Beyond Tomorrow" (RKO)
RKO LYRIC—(1,400) (25c-40c) 5 days. Gross: \$2,300. (Average, \$7,500)
"British Intelligence" (W. B.)
"Midnight Limited" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,300. (Average, \$1,400)
"Half a Sinner" (Univ.)
"In Old Missouri" (Republic)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"The House Across the Bay" (U. A.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$6,200. (Average, \$6,000)

Open 'Brown' in Ottawa

OTTAWA, May 15.—"Tom Brown's School Days" will have its world premiere here, where Hugh A. Green, father of Hughie Green, who plays the title role, is a member of the Canadian Wartime Fishery Board.

Named N. H. Assistant

NEW HAVEN, May 15.—Lou Schaefer, Paramount manager, has appointed Norman Randall, former chief usher, as assistant manager, succeeding George Reising, resigned.

Markey Seeking Major Release as Independent

HOLLYWOOD, May 15.—Gene Markey is negotiating for a major release as an independent producer. His first, according to plans, will be "Frame and Flesh," from his original story.

PRESTON FOSTER, DOROTHY LAMOUR and ROBERT PRESTON will be co-starred in Paramount's "Moon over Burma," which LOUIS KING will direct from the adaptation of a novel by WILSON COLLISION. . . . The title of the RKO picture, which will feature ALAN MOWBRAY and DONALD MCBRIDE, will be "Show Business." . . . HARRY DAVENPORT joins Wanger's "Foreign Correspondent" cast. . . . FRANK CAPRA has signed WALTER BRENNAN for an important role in "The Life of John Doe," which will star GARY COOPER. . . . EDWARD H. GRIFFITH has signed Lincoln "Bucktooth" Goode, 23-year-old Negro, horse handler at the Eastern Shore Hunt Club, as a film comic potentiality.

RICHARD THORPE, who is to direct "Wyoming" at M-G-M, is making arrangements for the use of Indians, ranch properties and animals in the Jackson Hole country for use in the film. . . . POLLY ANN YOUNG will play opposite WARREN HULL in "The Last Alarm," Monogram. . . . NORMAN MCLEOD will direct "Little Men," Towne-Baker production for RKO. . . . MINNA GOMBELL will play the lead opposite BILL BOYD in HARRY SHERMAN'S "Doomed Caravan."

GEORGE CUKOR has returned from New York to prepare for "The Philadelphia Story" which he will direct at M-G-M. . . . JACK VOTON and SAM COSLOW have signed FRANCES LANGFORD to a personal one-year contract calling for her film services. . . . DICK POWELL will be co-starred with ELLEN DREW in Paramount's "The New Yorkers," as a result of WILLIAM LEBARON'S reaction to his

work in "I Want a Divorce." PAUL JONES will produce the picture, and PRESTON STURGES direct.

ALBERT BASSERMAN and his wife will appear in M-G-M's "Escape." . . . Several studios are dickering for an original story, "Crime Street," by GUY TROSPER, former story editor for Globe Productions. It deals with a woman doctor's attempt to prevent crime. . . . "The Captain Is a Lady" is the new title for "Old Lady 31," at M-G-M. . . . LARRY DARMOUR's next serial production for Columbia will be "Deadwood Dick," with a screenplay by GEORGE MORGAN, WYNTHAM GITENS, MARK LEYTON. JAMES HORNE will direct.

MYRNA LOY and WILLIAM POWELL's next co-starring vehicle at M-G-M will be "The Shadow of the Thin Man." The producer-director combination of HUNT STROMBERG and W. S. VAN DYKE II will be continued. . . . DOROTHY ARZNER replaces ROY DEL RUTH on RKO's "Dance, Girls, Dance," new title for "Have It Your Own Way." . . . Voco Productions has signed BEN HERSH as production manager. . . . MIRIAM HOPKINS has been set definitely for the starring role in "The House on the Hill," W. SOMERSET MAUGHAM story.

VIRGINIA BRUCE has been cast for a role in "No Time for Comedy" at Warners. . . . LES GOODWINS has been assigned the direction of "Men Against the Sky" at RKO. . . . Desert winds forced back to the studio the Paramount company of "Rangers of Fortune," being directed by SAM WOOD. . . . JOSEPH SCHILDKRAUT has been cast for the film. . . . Richmond business men have offered \$10,000 to defray expenses if EDWARD H. GRIFFITH, directing Paramount's "Virginia," will hold its premiere in that city.

'It's a Date' Pulls \$8,400, Minneapolis

MINNEAPOLIS, May 15.—"It's a Date" was the best box-office attraction at the State, with \$8,400. In St. Paul, "My Little Chickadee" took \$2,200 at the Riviera.

Estimated takings for the week ending May 9:

Minneapolis:

"Black Friday" (Univ.)
"Free, Blonde & 21" (20th-Fox)
"Zanzibar" (Univ.)
"Curtain Call" (RKO)
ASTER—(900) (15c-25c) 7 days, split dual bill. Gross: \$2,100. (Average, \$1,800)
"Dr. Ehrlich's Magic Bullet" (W. B.)
CENTURY — (1,600) (25c-40c) 5 days. Gross: \$2,900. (Average, \$4,000)
"Puritan" (Foreign)
ESQUIRE—(250) (25-35c) 7 days. Gross: \$500. (Average, \$1,000)
"The Ghost Comes Home" (M-G-M)
GOPHER — (990) (25c) 5 days. Gross: \$2,000. (Average, \$2,500)
"It All Came True" (W. B.)
ORPHEUM — (2,900) (25c-40c) 7 days. Gross: \$4,400. (Average, \$5,500)
"It's a Date" (Univ.)
STATE—(2,300) (25c-40c) 7 days. Gross: \$8,400. (Average, \$5,500)
"Abe Lincoln in Illinois" (RKO)
WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: \$2,100. (Average, \$1,600)

St. Paul:

"It All Came True" (W. B.)
ORPHEUM — (2,000) (25c-40c) 7 days. Gross: \$3,400. (Average, \$4,000)
"Johnny Apollo" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$3,900. (Average, \$4,500)
"My Little Chickadee" (Univ.)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,200. (Average, \$1,800)
"Young As You Feel" (20th-Fox)
"Calling Philo Vance" (W. B.)
TOWER—(1,000) (25c) 7 days. Gross: \$2,000. (Average, \$1,800)
"Of Mice and Men" (U. A.)
"It's a Date" (Univ.)
WORLD—(440) (25c-55c) "Mice" 4 days, 3rd week; "Date" 3 days after week at Paramount. Gross: \$1,000. (Average, \$1,000)

'Benny' Kansas City Highlight at \$9,300

KANSAS CITY, May 15.—First runs improved slightly in spite of opening of baseball and the Sportsmen's Horse Show. "Buck Benny Rides Again" led with \$9,300.

Estimated takings for the week ending May 7-9:

"If I Had My Way" (Univ.)
ESQUIRE—(800) (25c-40c) 8 days. Gross: \$3,300. (Average, \$2,800)
"The Doctor Takes a Wife" (Col.)
"Over the Moon" (U. A.)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: \$9,900. (Average, \$9,500)
"Buck Benny Rides Again" (Para.)
NEWMAN — (1,900) (25c-40c) 7 days. Gross: \$9,300. (Average, \$7,000)
"Irene" (RKO)
"Enemy Agent" (Univ.)
ORPHEUM — (1,500) (25c-40c) 7 days. Gross: \$5,200. (Average, \$5,000)
"Jones Family on Their Own" (20th-Fox)
TOWER—(2,200) (25c) 7 days. Stage: Royal Swedish Bell Ringers, George Downey, Chilton & Thomas. Gross: \$5,000. (Average, \$6,000)
"If I Had My Way" (Univ.)
UPTOWN — (2,000) (25c-40c) 8 days. Gross: \$4,200. (Average, \$4,000)

Phila. Rejects AGVA

PHILADELPHIA, May 15.—Licensed booking agents, members of the independent Entertainment Managers Association, have turned a deaf ear to A. G. V. A. here, which is seeking to franchise all individual agents. While they are content to have A. G. V. A. franchise the association as a separate unit, officials of E. M. A. said they would fight any attempt to franchise the individual members.

Nelson and 'Sinner' \$14,000, Milwaukee

MILWAUKEE, May 15.—Ozzie Nelson on the Riverside stage with the film, "Half a Sinner" drew \$14,000. "Abe Lincoln in Illinois" and "Till We Meet Again" did \$7,600 at the Warner.

Estimated takings for the week ending May 7-9:

"Remember the Night" (Para.)
"Dr. Cyclops" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$4,500. (Average, \$4,000)
"Half a Sinner" (Univ.)
RIVERSIDE—(2,700) (25c-35c-40c) 7 days. Stage: Ozzie Nelson. Gross: \$14,000. (Average, \$6,500)
"Northwest Passage" (M-G-M)
"Too Many Husbands" (Col.)
STRAND—(1,400) (35c-40c-60c) 7 days, 2nd week. Gross: \$1,600. (Average, \$1,500)
"Till We Meet Again" (W. B.)
"Abe Lincoln in Illinois" (RKO)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$7,600. (Average, \$4,500)
"20 Mule Team" (M-G-M)
"Slightly Honorable" (U. A.)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$7,400. (Average, \$5,500)

Evans Succeeds Quinn

SEATTLE, May 15.—William Evans has been named manager of the St. John theatres in Centralia and Chehalis, succeeding the late Cecil Gwinn, who died two weeks ago. Fred Conrad continues as manager of Gwinn's Montesano.

'Irene' High Gross, \$7,600 in Montreal

MONTREAL, May 15.—"Irene" drew \$7,600 at Loew's. "Rebecca" continued a seventh week at the Orpheum with \$2,300, while "Till We Meet Again" on a double bill at the Capitol earned \$6,800.

Estimated takings for the week ending May 10:

"Till We Meet Again" (W. B.)
"Three Cheers for the Irish" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,800. (Average, \$8,000)
"Irene" (RKO)
LOEW'S — (2,800) (30c-40c-60c) 7 days. Gross: \$7,600. (Average, \$8,000)
"Rebecca" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 7th week. Gross: \$2,300. (Average, \$5,000)
"Buck Benny Rides Again" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$6,200. (Average, \$10,000)
"Black Friday" (Univ.)
"The House of the Seven Gables" (Univ.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: \$2,000. (Average, \$5,000)

Exhibit WPA Film Study

A guide to the literature of the motion picture, prepared by the Motion Picture Bibliography, a unit of the New York City WPA Writers' Project, will be exhibited the week of May 20 at 345 Hudson St. The guide is in three volumes, "The Film as Art," "The Film as Industry" and "The Film in Society."

Harbord Urges Air Programs from L.A.

WASHINGTON, May 15.—Programs from Latin America, broadcast in England, just as United States stations broadcast by short-wave in Spanish and Portuguese, would find a ready audience in this country, Major General James G. Harbord, RCA chairman of the board, told the Eighth American Scientific Congress today. Many in this country would eagerly listen on such programs, he declared. Harbord stressed that NBC, in commercializing its short-wave broadcasts, "does not seek to supplant but rather to supplement the use of Latin American broadcasting stations." Referring to television, he added that "RCA engineers have developed a television relay system which some day may follow the Pan-American Highway, and unite all the Americas with radio vision. Then we may see as well as hear one another, with the speed of light."

Seek F.C.C. Permits For Three Stations

WASHINGTON, May 15.—Application for authority to construct three new broadcasting stations have been filed with the Federal Communications Commission today.

Construction permits were asked by the Marion Broadcasting Co., Marion, O., for a 1,500-kilocycle, 250-watt station; West Publishers, Inc., Dallas, for a 1,550-kilocycle, 5,000-watt station, and West Publishers, Inc., Houston, for a 610-kilocycle station with 250 watts night, 1,000 watts day.

An application also was filed by KJBS, San Francisco, for change of frequency from 1,070 to 860 kilocycles and increase of power from 500 to 1,000 watts with extension of time from limited to unlimited.

'Team,' Wayne Get \$24,000, Pittsburgh

PITTSBURGH, May 15.—"20 Mule Team" aided by Wayne King on the Stanley stage, led with \$24,000. "Buck Benny Rides Again" pulled \$13,000 for Loew's Penn.

Estimated takings for the week ending May 9:

"If I Had My Way" (Univ.)
ALVIN — (1,800) (25c-35c-50c) 7 days. Gross: \$7,000. (Average, \$7,000)
"Abe Lincoln in Illinois" (RKO)
"Millionaire Playboy" (RKO)
FULTON—(1,700) (25c-40c) 7 days. Gross: \$4,200. (Average, \$5,000)
"Buck Benny Rides Again" (Para.)
LOEW'S PENN.—(3,400) (25c-35c-50c) 7 days. Gross: \$13,000. (Average, \$15,000)
"King of the Lumberjacks" (W.B.)
"The Ghost Comes Home" (M-G-M)
RITZ—(800) (25c-35c-50c) 7 days. Gross: \$1,500. (Average, \$4,000)
"The Doctor Takes a Wife" (Col.)
SENATOR—(1,700) (25c-40c) 7 days, 2nd week. Gross: \$2,100. (Average, \$3,000)
"20 Mule Team" (M-G-M)
STANLEY — (3,700) (25c-40c-60c) On stage: Wayne King and orchestra, 7 days. Gross: \$24,000. (Average, \$17,000)
"Beyond Tomorrow" (RKO)
"An Angel from Texas" (W.B.)
WARNER — (2,000) (25c-40c) 7 days. Gross: \$3,200. (Average, \$5,000)

K. C. Auditorium Draws

KANSAS CITY, May 15.—In the fiscal year ended April 30, the Municipal Auditorium here drew 1,269,350 persons to various events, including sports. Gross operating expense of the Auditorium has been reduced from \$218,209 in 1938-'39 to \$169,000 the past year.

Off the Antenna

MUTUAL will add a third daily Associated Press news period today with a period at 6-6:05 P.M. The A.P., of course, does not permit its programs to be sponsored and insists that all sustaining news periods used contain A.P. news only. With the growing sale of news periods to sponsors, stations have been reluctant to submit to this arrangement. If they did, it would result in a news program going off the air if it should temporarily lose its sponsor and an A.P. period substituted.

As a result, both CBS and WOR, Mutual's New York outlet, have declined to use A.P. About a month ago, however, Mutual decided to use the A.P. news from its Chicago station, WGN, and feed it to the network, including WOR. This has worked so successfully that the third period will be added today. The only difficulty appears to be during periods of crisis when it is necessary for the lines to be switched to Chicago for important bulletins.

Purely Personal: Earle McGill, CBS director, has written a text book called "Radio Directing" which McGraw-Hill has just published. . . . Wynn Murray, vocalist on the Fred Allen program and now star of "American Jubilee," has been named "Miss Marine of 1940" by the U. S. Marine Corps League. . . . Edward M. Kirby, N.A.B. publicity director, will be guest on "Yesterday's Children" over NBC-Blue on Friday, May 24. . . . Eddie Cantor has been signed to replace Fred Allen for Bristol-Myers next Fall. . . . William O. Tilenius has been named assistant manager of NBC's national spot and local sales department. . . . H. V. Kaltenborn, NBC news commentator, will speak on "We Look at War" at the Advertising Club luncheon May 23, with the talk broadcast by NBC-Red at 2 P.M. . . . Julius Postal will be adviser of the script department of Radio Showcases. . . . Col. Charles Kerwood has joined Mutual as aviation news analyst.

WMCA plans to originate about 10 hours of programs daily from the New York World's Fair beginning next week. A new studio is being rushed to completion by the Johns-Manville Co., which has a large building at the Fair. When it is completed, WMCA will originate regular and special programs from the new studio. The Manville company expects to benefit by the arrangement by attracting visitors who want to see a broadcast.

Another interesting tieup by WMCA is a new program, "Meet P.M.," from Monday through Friday from 12 to 12:15 P.M., beginning next Monday. The forthcoming afternoon tabloid has succeeded in obtaining free time from a number of stations, but the WMCA arrangement is the first regular program. The series will be sustaining, with the station's publicity department hopeful that its releases will be treated kindly when P.M. starts publication. Ralph Ingersoll, publisher, and John McManus, radio editor, will launch the series.

WDRC, Hartford, has started a new system on station break announcements. A different slogan will be used each week. This week, it is "WDRC, Hartford, on the air 18 hours every day." Next week, it will be "Connecticut's oldest existing station."

Programs: Yeckes-Eichenbaum Co., fruit and vegetable distributors, will sponsor a thrice-weekly program on foods, "The Wondercrop Hour," over WJZ at 12:15 P.M., beginning May 27. . . . Mutual will carry the Goldman Band Concerts from Central Park exclusively for the second season. The programs will be heard Wednesdays and Sundays from June 19 to Aug. 18. . . . Canadian Press will compile a weekly news summary, cable it to England, and have it broadcast there for the benefit of members of the Canadian Active Service Force who are training in England.

The interruption by Canadian censorship authorities of "Information, Please" on Tuesday night was generally regarded as a precautionary measure in Montreal yesterday. Although John Gunther, who was discussing the German advances in the lowlands, said nothing that was not contained in Canadian newspapers, it was explained that the censors did not want to take any chances on derogatory remarks.

It appears that Gunther's radio talks have been watched very carefully in Canada ever since his April 9 broadcast on Norway when he asked, "Where is the British Navy?" Censorship offices in Montreal said that the "Information, Please" cut was made "under standing orders from the censor board at Ottawa applying to all programs."

In a general realignment of personnel for Westinghouse Radio Stations as a result of the cancellation of the programming agreement with NBC, Sherman D. Gregory, general manager of KDKA, Pittsburgh, will become manager of NBC owned and operated stations while Lee B. Wailes, who formerly held that post, will become manager of the Westinghouse stations. The changes are effective July 1.

John A. Holman, general manager of WBZ, Boston, and WBZA, Springfield, for the past six years, succeeds Gregory at KDKA, while Vincent Callahan, Holman's assistant, becomes general manager at WBZ and WBZA. Griffith B. Thompson, in addition to continuing as sales manager for KYW, Philadelphia, will be general sales manager for all Westinghouse stations. Westinghouse stations include KDKA, KYW, WBZ, WBZA, WOWO and WGL, Fort Wayne, and WPIT, Pittsburgh, and WBOS, Boston, the latter two being short wave stations.

Has Imperial Franchise

NEW HAVEN, May 15.—I. Levine, former Grand National exchange manager here, has obtained the Connecticut franchise for Imperial Pictures distribution.

New Cooling System Out

S.O.S. Cinema Supply Corp. has announced a new cooling system, known as the S.O.S. Coola Weather, designed for spaces up to 100,000 cubic feet.

Tobey Continues Attacks on F.C.C.

WASHINGTON, May 15.—Only three members of the F.C.C., none of them members of the committee in charge of the monopoly investigation, have responded to the request of Senator Charles W. Tobey for information as to the status of the Commission's monopoly report, it was made known today by the Senator.

Attacking the Commission on the floor of the Senate, Tobey pointed out that neither Commissioners Brown, Thompson or Walker, who comprise the committee, nor Chairman Fly, have responded to his inquiry.

Tobey charged that the F.C.C. had given orders against the release of the report to the public "in marked contrast to the way other similar matters have been treated," and that it was reported that President Roosevelt had given assurance that he will not allow the report to be made public without his approval.

The situation, the Senator asserted, "indicates very strongly that the report is being deliberately held up."

'21 Days' Garners \$10,000 in Buffalo

BUFFALO, May 15.—"21 Days Together," double-billed at the Lafayette, grossed a healthy \$10,000, while "20 Mule Team," part of a dual feature at the Great Lakes, made \$8,400. "Irene" and "Forgotten Girls" did \$10,000 at the Twentieth Century.

Estimated takings for the week ending May 11:

"Buck Benny Rides Again" (Para.)
BUFFALO—(3,489) (30c-35c-50c) 7 days. D'Artega & orchestral ensemble in The Song Shop, with Gertrude Lutz, Max Miller and The New Yorkers. Gross: \$12,700. (Average, \$12,000)
"20 Mule Team" (M-G-M)
"On Their Own" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$8,400. (Average, \$7,500)
"Castle on the Hudson" (W. B.)
"Over the Moon" (U. A.)
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$6,500. (Average, \$6,800)
"Irene" (RKO)
"Forgotten Girls" (Rep.)
TWENTIETH CENTURY—(3,000) (25c-35c) 7 days. Gross: \$10,000. (Average, \$7,500)
"21 Days Together" (Col.)
"Fugitive at Large" (Col.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$10,000. (Average, \$6,300)

Dinner for Kaplan

Sam Kaplan, projectionist at the RKO home office, scheduled to marry Sylvia Banyon May 26, will be tendered a party tomorrow night at the Moskowitz & Lupowitz Restaurant, 40 Second Ave. Attending will be Al Fran, Sam Oppenheim, Harry Ehrreich, Leonard Blum, Sid Kramer, Lou Wolfe and Philip Barnabel of RKO, and Charles Mueller of the Music Hall. The affair is in the charge of William Horne, also of RKO.

Errol Gets New Pact

HOLLYWOOD, May 15.—Leon Errol has signed a new RKO contract to appear in six features to be produced by Bert Gilroy, and six two-reel comedies to be produced by Lou Brock, during the new season.

Italian Film Opens

"The Two Mothers," Italian film distributed here by Esperia Films, will have its American premiere today at the Cinecitta Theatre.

**HITCH YOUR
WAGON
TO THE
STARS!**



★ Merchants—big and little — take every opportunity to tie up their business with motion pictures and stars. They like the flash...the glamour...the publicity and human interest of pictures and personalities because they sell merchandise.

★ You've got a big advantage over every merchant in town. You've got what it takes to begin with. Pictures...stars...personalities. They're your stock in trade.

Use them. Profit on their glamour...publicity...personalities. Make stills...posters...other accessories part of every selling campaign.

★ Hitch your wagon to the stars...your stars, through **TRAILERS...LOBBY DISPLAYS...ACCESSORIES**...that flame with life...color and seat-selling catch-lines about these very stars. That's what makes them the **Best Ticket Sellers in the Business**

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Industry

MOTION PICTURE DAILY

First in
Film and
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Brief,
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VOL. 47. NO. 98

NEW YORK, U.S.A., FRIDAY, MAY 17, 1940

TEN CENTS

N. M. Schenck Defends Trade Sales Policy

U. S. Attorneys Examine Loew's President

Percentage buying has eliminated the principal evils of blind buying and the individual selling of films would prove a "terrific" hardship on exhibitors, Nicholas M. Schenck, president of Loew's, testified yesterday in a pre-trial examination in the Government anti-trust suit against the major companies.



N. M. Schenck

Special Assistant Attorney General John P. Clagett conducted the examination, which lasted three hours. With Schenck were J. Robert Rubin, Loew's general counsel, and John W. Davis, trial counsel.

In the opinion of observers at the examination, Schenck made a brilliant defense of industry practices.

Contrary to some belief, theatre profits, Schenck informed his inter-

(Continued on page 7)

Premieres Climax 'Edison' Pageant

A three-day "Pageant of Progress" in the four Oranges of New Jersey was climaxed last night with the premiere of M-G-M's "Edison, the Man" simultaneously in six theatres.

Prominent residents of New Jersey, civic officials and M-G-M executives were present. A studio delegation included Spencer Tracy and Rita Johnson, who are in the film, at the Hollywood Theatre, West Orange.

Because of the rainstorm, some of the celebrities were late in arriving. For a half hour the television announcer kept promising the patient crowd that Tracy and Miss Johnson would be presented momentarily. Finally, they arrived with Howard Dietz of M-G-M. Miss Johnson skipped by the microphone, but Dietz stopped to say a few words. A bystander nudged him against the mechanism, the microphone collapsed, and the television broadcast was over.

Research Council Paying Neely Backers' Expenses

WASHINGTON, May 16.—Expenses of the effort to enact the Neely block booking bill are being borne by the Motion Picture Research Council, it was indicated before the House Interstate and Foreign Commerce Committee today.

Asked by Chairman Clarence F. Lea who was financing the fight now being waged before the committee, Mrs. Mary T. Bannerman of the National Congress of Parents and Teachers testified that the research council was bearing the expenses of her organization. The council makes no allowances for salaries, she explained, but since 1934 has contributed about \$4,000 for various expenses of the national P.T.A. group in connection with its film activities.

Continuing their probe for the motives behind the legislation, members of the committee extensively questioned the representatives of the four organizations who testified today.

(Continued on page 10)

U.S. May Revive Ascap Trust Suit

WASHINGTON, May 16.—The projected Grand Jury investigation of Ascap records in New York was said by Department of Justice officials here today to mark a "revival" of interest in the long-pending anti-trust suit against the music licensing organization.

It was indicated that the Government's move, however, does not represent much beyond a renewed interest at this stage. A decision on a

(Continued on page 7)

2 Warner Heads Will Testify Next

Government pre-trial anti-trust examinations will continue with Harry Warner, president, and Jack Warner, production head, of Warners, the Department of Justice announced yesterday. No dates have been set.

Louis B. Mayer, in charge of M-G-M production, and Darryl F. Zanuck, heading 20th Century-Fox production, will not be questioned, since both are needed on the Coast.

Divorce Bill Seen Dead This Session

WASHINGTON, May 16.—Chances of action on the Neely theatre divorce bill this session were practically nullified today when Senator Neely as chairman of a Judiciary subcommittee in charge of the measure, postponed hearings on the legislation until after the conclusion of the block booking hearings now being conducted by a House committee.

Neely put into the record a lengthy letter from counsel for the distributors, asking that the hearings be postponed until after the trial of the Government's New York suit, but declared he would not hold up action for the expected 10 months of the trial.

Agreeing to recess the hearings until after his block booking bill is disposed of, because, he said, both pro-

(Continued on page 10)

United Artists Producers in Theatre Plan

Sol Lesser Responsible For Circuit Idea

A plan for the acquisition of first run theatres in key cities by United Artists producers has been developed by Sol Lesser and is under consideration within the company's producer ranks, it was learned yesterday.

Despite favorable reaction to the plan from some of those to whom it has been broached, further progress has been stymied for the time being due to the inability of its sponsors to obtain the approval of the Department of Justice for the producers' venture into exhibition.

Lesser conferred with officials of the Department in Washington on Wednesday but failed to receive their approval of the plan. Lesser declined to comment on the Department's attitude on his arrival here yesterday and also declined to divulge details of the plan. He intimated, however, that further action has been stymied by Washington's attitude for the time being, at least, and possibly until such time as the Government's anti-trust suits against the industry, involving producer or distributor ownership of theatres, have been decided.

It is understood that Lesser's proposal contemplated the acquisition by United Artists producers only of so-called show-window houses in the

(Continued on page 12)

Loew First to Sign New Erpi Contract

Extended negotiations on Erpi's new recording license agreement were concluded yesterday and Loew's became the first company to sign the new pact.

Paramount will sign within the next few days and will be followed by 20th Century-Fox, Warners, Columbia and Universal. United Artists, not being a producing company, will not be a party to the new contract, although it was to the old one. A separate pact will be concluded with the Samuel Goldwyn studio, and other United Artists producers will be covered by agreements to be entered into by Erpi with studio renters whose properties are used by individual producers.

The new recording licenses are retroactive to July 1, 1936, having been in negotiation since that time. They will expire in 1944. The new

(Continued on page 12)

"Lillian Russell"

[20th Century-Fox]

HOLLYWOOD, May 16.—This is a picture for and of show business, a showy and showmanly attraction in the most successful Darryl Zanuck manner, extravagantly yet cannily produced and quite literally crammed with names that make box-office news. It is a glittering biography of an actress whose brilliancy fascinated a gaudy age and it touches the lives of many another personality of whom today's audiences have heard enough to wish to hear more if not all. It is with the favorable aspects of these that the picture deals exclusively, for the most part brightly and always handsomely.

In this undertaking Zanuck has exercised again the mood in which he achieved "Alexander's Ragtime Band," to which it compares more directly than his other works. Dealing with real characters and utilizing much of the music of their day—"After the Ball Is Over" and "Straw-

(Continued on page 10)

Personal Mention

SAM SEIDELMAN, general manager in Mexico for United Artists, arrived by plane yesterday for home office conferences.

LEONARD GOLDENSON and **SAM DEMBOW, JR.**, Paramount home office theatre executives, will arrive from the Coast tomorrow after a two-weeks business trip through the West.

E. C. MILLS, chairman of the Ascap administrative committee, will return from Washington today.

GEORGE SKOURAS has returned from the Coast.

FLOYD ARMSTRONG, former projectionist at the National in Baltimore, has been appointed field engineer in that city for RCA.

SOL LESSER, **SEYMOUR POE** and **SOL EDWARDS** lunching at Lindy's (next to the Rivoli) yesterday. **JACK COHN** and **CAPT. NAT GOODMAN** at Lindy's 51st St.

HAL ROACH, **TED CURTIS**, **WILLIAM GERMAN**, **ALAN FREEDMAN**, **DOUGLAS ROTHACKER**, **JOSEPH MALCOLM**, **TOM LOACH** and **SAM CITRON** at Bob Goldstein's Tavern for lunch yesterday.

JOSEPH BERNHARD, **WILLIAM F. RODGERS**, **WILLIAM A. SCULLY**, **SAM SHAIN**, **OWEN DAVIS**, **MAX A. COHEN**, **GEORGE SKOURAS**, **TOM CONNORS**, **TED O'SHEA**, **SIDNEY PHILLIPS** and **WALLY HOUSE** lunching at Nick's Hunting Room in the Astor yesterday.

JUDITH WILCHENS, secretary to **S. CHARLES EINFELD**, Warner director of advertising and publicity, will be married June 16 at Leavenworth, Kan., to **LOU SANDLER**, buyer for Sidney's, Ltd., Los Angeles store.

LEON ABRAMS has been promoted to M-G-M booker in Kansas City, succeeded as head shipper by **RAY CLEMMONS**.

EDWARD J. MANNIX, M-G-M studio manager, arrived yesterday on the Coast from New York.

Warners to Release 'Heaven' as One Film

Chicago, May 16.—**S. Charles Einfeld**, Warners director of advertising and publicity, arriving here today, said that "All This and Heaven Too" will be released as one film. **Rachael Fields**, the author, has been recalled to assist in cutting the film to two and one-half hours.

Einfeld said the world premiere of "The Life of Knute Rockne" will be held at South Bend between Sept. 15 and Oct. 15.

English 'Wind' Fight Settlement Probable

LONDON, May 16.—It is believed in informed quarters here that a settlement of the Cinematograph Exhibitors Association dispute with M-G-M over "Gone With the Wind" is probable. The belief is based on the cable from **Louis B. Mayer**, head of production, suggesting that the matter be conciliated, and on the present war situation.

Sam Eckman, M-G-M head in England, has indicated his willingness to meet the C.E.A. on the matter, if he is not confronted with an accomplished fact. **Harry P. E. Mears**, president of the C.E.A., said today, "The door is wide open. There is no need to knock."

It was indicated, however, that the C.E.A. has no intention of agreeing to a 70 per cent rental or increased admissions for "Wind." The exhibitor organization believes its hand has been strengthened by the war situation. With collapsing markets and dwindling attendances, it is thought "Wind" may soon be available at a rental below 50 per cent.

O'Brien Welcomed

SOUTH BEND, Ind., May 16.—**Pat O'Brien**, Warner star, was greeted by Mayor **J. I. Pavey**, Father **John Cavanaugh**, vice-president of Notre Dame, the local City council and civic leaders, as well as students and residents, on his arrival here to film scenes for the Warner film, "The Life of Knute Rockne."

Strong B'way Films To Counteract Fair

Broadway first runs will have a strong list of feature attractions next week to meet World's Fair competition. Opening today are "Lillian Russell" at the Roxy and "Torrid Zone" at the Strand. On Wednesday, "Typhoon" will start at the Paramount and "21 Days Together" will go into to Rivoli, while "Irene" will open at the Music Hall on Thursday. "Waterloo Bridge" began at the Capitol yesterday.

Business generally was off during the past week. "My Son, My Son" grossed an estimated \$83,000 with a stage show at the Music Hall and is held for a second week. At the Roxy, "Dark Command" with a stage show brought an estimated \$30,000. The second week of "Saturday's Children," with **Guy Lombardo's** band on the stage, drew an estimated \$24,000 at the Strand. "20 Mule Team" at the Capitol grossed an estimated \$19,000. "Gone With the Wind" fell off to an estimated \$11,000 in its 21st week at the Astor.

RKO Asks Counsel For Fees Hearing

RKO yesterday asked Federal Judge **William Bondy** to allow it to retain a firm of attorneys for the hearings on final allowances to be held May 28. Judge Bondy reserved decision after attorneys for RKO stated that his authorization might be required under the Chandler Act. Name of the law firm to be retained has not been revealed. Allowances totaling \$2,025,214 have been requested in filed petitions.

Drop 'Beau Geste' Ban

TORONTO, May 16.—At the request of the French Government, the Ontario censor board has withdrawn its ban on "Beau Geste" which was imposed when the war started last September.

C.F.I. Sets Dividend

Dividend of 25 cents a share on the preferred stock has been declared by Consolidated Film Industries, payable July 1 to stockholders of record June 15.

Calls Large-Scale English Production Inadvisable

By **SHERWIN A. KANE**

Large-scale production by American companies in England is neither practicable nor advisable at this time, in the opinion of **Gerald Freeman**, managing director of Anglo-American Film Co., Ltd., distributor of British National films, visiting in New York.

Freeman said that the entry of American companies into high cost picture production in England now would bring about an immediate "skyrocketing" of production costs, due to the competitive bidding for the services of the limited number of artists and technicians available there.

Freeman advocated reciprocal arrangements with British producers on the ground that they are better equipped to keep production costs within reasonable limits and are not

burdened with high overhead resulting from costly administration charges.

Despite early fears of a theatre shutdown in England, Freeman said, his company decided to continue with its production plans for 15 features, six of which are top budget productions and, as a result, British National now ranks as the largest producing organization in England.

"We convinced ourselves," he said, "that despite the war life wouldn't just stop."

Freeman will be here another four weeks discussing deals for American distribution of his product, and also plans a 10-day trip to Hollywood to confer with players and technicians interested in work at the British National studio.

Newsreel Parade

European war developments continue to dominate the news coverage in the newsreels. The new issues and their contents follow:

MOVIETONE NEWS, No. 72—Namsos evacuated, burned. Troop transports on North Sea. British soldiers return from Norway. Norwegian town bombed. Hull urges defense. Cadets on parade in Annapolis. Ballet at World's Fair. French bombers on Western Front. Lev. 4 hr. Belmont racing season opens.

NEWS OF THE DAY, No. 270—War developments. Boat race in Louisiana. Paul Runyon gives golf lesson.

PARAMOUNT NEWS, No. 75—Toboggan Handicap at Belmont. Plea for preparedness in Washington. Quadruplets have birthday. Refugees from Norway arrive on Manhattan. Inaugural of Governor Sam Jones in Louisiana. Belgians leave Paris to fight. Tanks mass at front. Invasion and terror in Oslo. Cameraman's war diary.

RKO PATHE NEWS, No. 87—Test new rifles here. Demonstrate new gas masks. Namsos bombed by Nazis. Peace parade in Sweden. Belgians in Paris leave for war. Lens for largest telescope nearly ready. Fashion parade at races.

UNIVERSAL NEWSREEL, No. 876—German occupation of Oslo. Namsos in flames. Belgians off to battle. Hull speaks in Washington. Test new speed plane. New rifles tested for Congress. New gas tanks for war planes. Governor Jones sworn in. Middles parade at Annapolis. Boat race in Louisiana. Society out for turf opening.

Nathanson Studies Legislation in N. B.

ST. JOHN, N. B., May 16.—**N. L. Nathanson**, president of Famous Players Canadian Corp., came here this week with **J. J. Fitzgibbons**, circuit general manager, to study the legislative situation.

Drastic film legislation regarding distribution has been suspended pending an attempt by conciliation board to adjust differences between independent exhibitors and the local exchanges. While in this territory, Nathanson held conferences also at Halifax, and was tendered a luncheon here by 50 business men.

Schaefer En Route

CHICAGO, May 16.—**George J. Schaefer**, president of RKO, does not plan another trip to the Coast until Fall, he said today while en route to New York. He arrives in New York tomorrow from the studio where he set details in connection with the 1940-'41 production program.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the
Rivoli Theatre)

(51st Street
Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

**MOTION PICTURE
DAILY**

(Registered U. S. Patent Office)

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FORECAST!

Here's how we know that
"Edison, the Man" is the
greatest money attraction
Spencer Tracy ever made!

(turn please)

SOLD

OUT

with Rita Johnson
Lynne Overman
Gene Lockhart
Charles Coburn
Henry Travers
Felix Bressart

Screen Play by Talbot Jennings
and Bradbury Foote

A Metro-Goldwyn-Mayer Picture

Directed by
CLARENCE BROWN

Produced by
JOHN W. CONSIDINE JR.

SPENCER TRACY
in
CLARENCE BROWN'S
PRODUCTION
"EDISON, THE MAN"
A Metro-Goldwyn-Mayer Sensation

2 WEEKS IN ADVANCE IN 6 THEATRES IN ONE CITY!

Every seat taken
In 6 theatres
And a demand that
Could fill 2 more
For the Greatest
World Premiere of a
Great picture since
That march
Through Georgia with
"Gone With The Wind"

(Keep marching to next page)



TOPS THEM ALL!

Spencer Tracy's greatest performances of the past are now eclipsed by his magnificent portrayal in M-G-M's smashing dramatic sensation "Edison, The Man"



HEARD *from* COAST TO COAST!

Preceded by a National Magazine Campaign reaching millions!
The World Premiere That
Packed Six Theatres in One City
Climaxing 3 days of Brilliant Celebration
Spreading the Fame by Telegraph, Newsreel, Radio
Of M-G-M's Great New Screen Sensation!

FLASH! From the
Oranges of New Jersey!

HOW M-G-M TOLD THE NATION ABOUT ITS NEW DRAMATIC SENSATION!

Summary

TUESDAY—MAY 14th
West Orange Town Hall

9:30 P.M.—Prelude to EDISON PAGEANT
OF PROGRESS—Ceremonies of the Light-
ing of "The Brightest Spot in the World"
and "Largest Photograph Ever Made."

WEDNESDAY—MAY 15th
Hotel Suburban

12 NOON—CITIZENS' COMMITTEE
LUNCHEON—Honoring the Mayors of
the ORANGES and MAPLEWOOD.

2:30 P.M.—Dedication of the "CRYPT OF
CINEMA PROGRESS."

3:30 P.M.—Edison Laboratories Dedic-
ation of the "BLACK MARIA" (The Birth-
place of Motion Pictures).

9:30 P.M.—Orange Armory—EDISON
PREMIERE BALL attended by Spencer
Tracy, Rita Johnson, stars of the picture, and
Clarence Brown, the director.

10 P.M.—Eagle Rock
FIREWORKS DISPLAY
THURSDAY—MAY 16th
Through The Oranges

2 P.M.—
PAGEANT OF PROGRESS PARADE
5:30 P.M.—Glenmont Lawn Buffet at the
Home of Mrs. Edison-Hughes

9 P.M.—**SIX-THEATRE
WORLD PREMIERE
SPENCER TRACY
in CLARENCE BROWN'S
production of
"EDISON, THE MAN"**

N. M. Schenck Defends Trade Sales Policy

(Continued from page 1)

rogators, were by no means automatic but were dependent upon the quality of the product and the judgment of those in charge of presenting the film on the screen. The manner of exploiting a film and its presentation are vital elements in the box-office results, he stated.

In this one respect, M-G-M reaps its principal benefit from selling its films to its affiliated Loew theatres, because, Schenck stated, Metro receives the assurance of having its product properly presented.

"There is a big difference between the exhibitor who lets his pictures

Schenck Reveals Costs

Under Government examination yesterday, Nicholas M. Schenck revealed how production costs have increased. The average cost of an M-G-M film this season has been \$850,000, in contrast to an average cost of \$146,000 in 1924, he said.

do all the work and one who puts thought behind the presentation of the picture," Schenck said.

Furthermore, if he or his executives conceived new methods of exploiting product, they did not hesitate to pass their ideas on to other companies. And "if his ideas were right," Schenck told his questioners, he never experiences difficulty in convincing other companies to exploit M-G-M films.

As regards exchange of studio talent, Schenck said that Metro had no fixed policy but believed in "doing it as little as possible."

In lending a player to another company, M-G-M naturally tried not to get in return less than what the player was actually costing the Metro studio.

Loew's purchased a producing company to protect its supply of films when it was threatened by the theatre acquisitions of Famous Players-Lasky, Schenck said. At that time, Loew's had been depending to a large extent on Famous Players' films and that company's entry into the theatre field was feared to be "upsetting," Schenck stated.

Much of the interrogation of Schenck by the Government attorneys involved the Loew theatre circuit. Schenck was asked to explain and analyze operating costs of certain theatres in cities such as Pittsburgh, Memphis, Cleveland and Baltimore and also to explain certain pooling arrangements with other companies. The Orpheum situation in Denver where Loew's is in partnership with RKO was also mentioned.

Clagett questioned Schenck on M-G-M's film deals with Warner Theatres, Paramount Theatres and Fox West Coast (Skouras). Schenck revealed that the deal with Warner Theatres was expiring this year.

Schenck further stated upon being questioned that the longest franchise term ever held by Loew's was one for 10 years with Paramount Pictures.

Hollywood Review

"Hidden Gold"

(Paramount-Harry Sherman)

HOLLYWOOD, May 16.—This number in the Hopalong Cassidy sequence of westerns is well above par in story, action, staging, suspense and general screen quality. This time the criminal proceedings Hopalong sets out to halt pertain to the persistent robbing of a stagecoach laden with gold from a single mine, this concentrated interest of the brigands giving rise to a number of suspicions which the intrepid investigator disposes of one by one until he gets down to the correct solution of his problem. The solution is not previously made known to the audience and is arrived at amid much gunfire and after hard riding through eyefilling western terrain.

William Boyd's support includes Russell Hayden in his usual role, Britt Wood and Ethel Wales for comedy purposes, Minor Watson, Ruth Rogers, Lee Phelps, Roy Bancroft and George Anderson, among others. The screenplay is by Gerald Geraghty and Jack Mersereau, a skillfully fabricated narrative, and Lesley Selander directed. The film stands high in the consistent Harry Sherman's list of Hopalong.

Running time, 61 minutes. "G"*

ROSCOE WILLIAMS

*"G" denotes general classification.

U.S. May Revive Ascap Trust Suit

(Continued from page 1)

course of action is not likely by the Department unless some significant development results either from the Grand Jury investigation or some other source. The investigation itself is not taken to signify that the anti-trust suit against Ascap will be revived, but rather that it will be used to aid the Department in determining such a move.

The Government's renewed interest in the Ascap anti-trust suit, which was filed in Federal District court in New York in 1934 and left pending by the Government after only a few days of trial during 1935, dates back to the U. S. Supreme Court decision in the Florida Ascap case several months ago in which Justice Hugo L. Black wrote an opinion viewed in some quarters as a "green light" to the Government, it was learned.

Since then the matter has been under study in the Department, first by Robert Cooper, who left to join the Federal Communications Commission last Fall, and later by Victor Waters, now in charge.

About three weeks ago, it was disclosed, subpoenas were issued by the Grand Jury in New York for Ascap's records, returnable May 14. On May 10 a motion to quash the subpoenas was filed with the court by Schwartz & Frohlich, Ascap counsel, and this motion is tentatively scheduled to be argued before Federal Judge Henry W. Goddard on May 22. The returnable date of the subpoenas, accordingly, has been deferred until after a decision on the motion is handed down.

It was said that the Government has been heartened by the testimony taken in the Nebraska suit recently decided, as well as in the Florida case.

Ascap officials and Schwartz & Frohlich, counsel for the Society, declined to comment on the Government's move to obtain a Federal Grand Jury investigation of Ascap.

Building Georgia House

GAINESVILLE, Ga., May 16.—A new theatre, to cost approximately \$50,000, will be built here. It will be operated by Lucas & Jenkins.

Majors' Move Bars Griffith Suit Dismissal

OKLAHOMA CITY, May 16.—Defendants in the Government's anti-trust suit against the Griffith Amusement Co. and major producer-distributors successfully maneuvered in Federal District court here today to prevent the Government from obtaining a dismissal of the case without prejudice to renew it.

Following a hearing, Federal Judge Edgar S. Vaught indicated that he will issue an order within the next few days directing the Government to file its bill of particulars without additional information, after which the defendants will have 30 days in which to file their answers.

The Government had executed a deliberate default in not filing answers as directed by the court, and then sought to obtain a dismissal of the suit in order to appeal from the court order directing it to furnish a detailed bill of particulars. The move was executed as the only means by which an appeal on this intermediate phase of the litigation could be had. The Government was blocked, however, when the defendants waived their rights to more detailed answers from the Government.

If the suit is dismissed now, it will be dismissed with prejudice to the Government and could not be reinstated following the appeal sought by the Government.

Edwin Schallert of LOS ANGELES TIMES says

DARK COMMAND

"RAOUL WALSH HAS SHOWN HIS VETERAN SKILL AS THE DIRECTOR OF A VIGOROUS TALE OF GUERRILLA WARFARE OF THE CIVIL WAR DAYS. 'DARK COMMAND' SHOULD ENJOY THE BEST OF RECOGNITION."

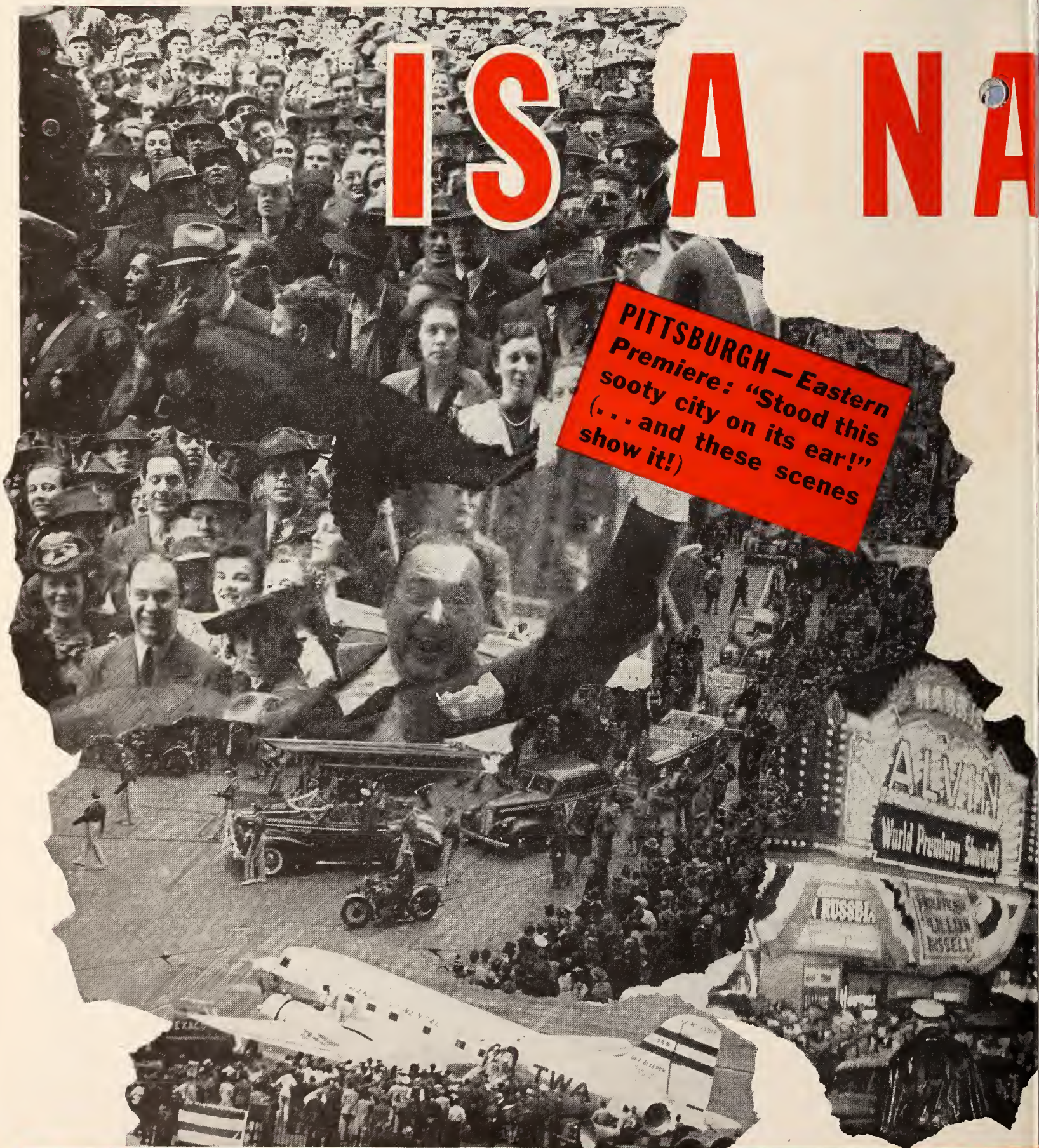
The story of

The BLACK KNIGHT of KANSAS

WILL QUANTRILL HIS NAME STRUCK TERROR IN THE HEARTS OF EVERY ONE EVEN THE WOMAN HE LOVED.

A REPUBLIC PICTURE

"LILLIAN RU IS A NA



**PITTSBURGH—Eastern
Premiere: "Stood this
sooty city on its ear!"
(...and these scenes
show it!)**

HOLLYWOOD—Coast Premiere: "Nothing like it in all entertainment annals!"

SELL'

TURAL



BOXOFFICE

SMASH!"

—That's the unanimous verdict flashed from the three spectacular premieres to a thrilled, excited nation by press, radio and trade representatives... the quote above from **Film Daily** being typical of the unprecedented ovation!



CLINTON, IA. — Midwest Premiere: "Biggest event since Armistice Day!"

Divorce Bill Is Seen Dead This Session

(Continued from page 1)

ponents of divorce and the companies which would be affected, are vitally interested in the House proceedings, Neely declared that he would reconvene his subcommittee within a "reasonable" time after the House hearings conclude.

Since it is expected that the hearings on the block booking bill will run for another 10 days or two weeks, there will be little time this session for further hearings on divorce unless adjournment of Congress is postponed beyond the time now tentatively set and unless, also, Senator Neely refuses to make allowance for the necessity of company counsel to attend the New York trial.

Deny Need for Haste

In their letter asking postponement, the five companies engaged in exhibition declared there is no need for haste to remedy a situation which has existed for more than 20 years and was not challenged until two years ago.

"Moreover," it was declared, "the proposed legislation is so drastic that if it be enacted without exhaustive inquiry and consideration regarding its necessity and its consequences, it may well be disastrous to the public interest, result in seriously decreased employment, deterioration in the quality of pictures, and complete disorganization of one of the great industries of the nation."

"While it is the right of Congress to conduct investigations with a view to appropriate remedial legislation, looking to the future, notwithstanding the pendency of litigation covering the same subject matter," the letter continued, "We submit that Congress should avoid a sheer duplication of the investigatory process where the concurrent investigations will interfere with each other and one furnish a diversion of attention from the other, and especially where there is no compelling emergency calling into action the legislative process."

In their letter, counsel for the companies referred to a statement before the subcommittee last month by Assistant Attorney General Thurman Arnold that the bill was "declaratory of the common law."

"We do not know what this statement can mean or what its purpose is," they told Neely. "The Supreme Court has recently pointed out that there is no Federal common law. If Mr. Arnold's statement is intended to refer to the statutes against monopolies and restraints of trade, he assumes as the basis for the bill the uncontroverted existence of the very monopoly and restraint which is alleged in the Government's suit, which the defendants emphatically deny. This very question will be determined in such suit."

The letter was accompanied by a note signed by counsel for Columbia, United Artists and Universal explaining that "the far-reaching consequences to the entire industry of the proposed legislation impels the undersigned, which do not own or operate theatres, to join with the signatories to this letter in the request that the hearings on the Neely bill be deferred until the completion of the trial in the U. S. District Court."

"Lillian Russell"

[20th Century-Fox]

(Continued from page 1)

berry Blond," for example—he has kept one foot on fact while booting aside with the other such trivial considerations as the aging effect of time's passage upon his principals, who age not at all in the 30 years covered. Thus he accomplishes here, as in that film, the effect of mating history and histrionics to produce a singularly hardy if hybrid entertainment as offspring. If cross country reaction duplicates Hollywood preview audience Zanuck will have furnished his company and its customers with a memorable money-getter.

Exhausting his own studio's supply of marquee names and borrowing freely from others, Zanuck offers showmen the pleasant problem of billing Alice Faye, Don Ameche, Henry Fonda, Edward Arnold, Warren William, Leo Carillo, Weber and Fields, Eddie Foy, Jr., Ernest Truex, Lynn Bari, Helen Westley, Nigel Bruce, Una O'Connor, Dorothy Peterson and Joseph Cawthorn in whatever way may be devised to extract full value from their names and number.

He has supplied such additional exploitation angles as the fact that director Irving Cummings was once Miss Russell's leading man, that Eddie Foy, Jr., sings and dances "He Goes to Church on Sunday" precisely as his father did before him in a characteristic comedy bit and personally as unaged time. For the ears of the young and the exploitation uses of the radio lanes he has supplied two new song numbers, an Alfred Newman-Mack Gordon composition and another by Gus Kahn and Branislau Kaper, cast in the melodic pattern of the 90's but performed with 1940 nicety.

Not all of the picture is gay, although the best of it is. There are slowings, for such things as childbirths, the death of a husband, wooings in various tones of voice, all respectful, and in one or two of these the professional turnout witnessing the initial unreeling here displayed some restiveness, rebounding quickly to applaud livelier sequences following immediately.

Gene Markey served Zanuck as associate producer.

Running time, 130 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

Research Council Paying Neely Backers' Expenses

(Continued from page 1)

Most of their examination was directed at Mrs. Ernest W. Howard of the District of Columbia Federation of Women's Clubs, and Mrs. Sylvia T. Bushnell of the Motion Picture Research Council's Boston chapter.

Mrs. Howard, attacking "Strange Cargo" because of the use of the Bible in a love-making scene, was asked flatly by Rep. Luther Patrick whether she thought the bill would provide censorship, and she contended "it will give the exhibitors a chance to choose what the customers want." Further efforts by the congressman to get a direct response to his question whether the bill will keep unwholesome pictures off the screen were fruitless.

Asked by Rep. William P. Cole, Jr., where the incentive for the bill came from, the witness referred the committee to Senator Neely who, she said, could tell "why he introduced the bill."

During her testimony, Mrs. Howard was asked by Rep. Lyle Boren whether she had another "occupation other than appearing before committees."

"No, I don't," the witness replied, and Congressman Boren pointed out that she has appeared before several committees.

"That is my business," Mrs. Howard replied.

The Research Council representative was interrogated at length as she recited details of some pictures to il-

lustrate her contention that the present system permits unwholesome films.

Mrs. Bushnell told the committee she does not believe in censorship and contended that selectivity is not censorship, and was told by representative Patrick that under the bill it would have to be assumed exhibitors have a better moral code than the producers.

The witness explained that the various local groups would get together and tell the exhibitors what they should show, if the bill was enacted, but admitted the machinery for such supervision had not been worked out.

"It would do no good to attempt to mold public opinion until we pass this bill," she said. "Then we can go to work."

"The best test of what the people want is the box-office choice," suggested Rep. Elmer J. Ryan.

"All right," she answered, "then let it be that way."

Declaring that the industry itself made it necessary for the Parent-Teachers Organization to discontinue cooperation, Mrs. Bannerman told the committee that "the industry has made every effort to break down this bill during the past four months."

She charged that the industry "buys up" opposition leaders wherever possible and has a stranglehold on the press, illustrating with reproductions of numerous newspaper articles.

'U' Opens Chicago Meeting Tomorrow

Universal home office executives will leave for Chicago tonight to open the company's second and final sales meeting at the Drake Hotel there tomorrow.

The meeting, which will be concluded on Monday, is for the Western sales forces, the Eastern meeting having been held at Atlantic City last weekend.

W. A. Scully, vice-president and general sales manager, and V. J. Heineman, Western sales manager, will preside at the sessions. Home office executives who will accompany them to Chicago include Nate J. Blumberg, president; J. Cheever Cowdin, chairman of the board; Cliff Work, vice-president and studio head; F. J. A. McCarthy, Eastern sales manager; Leo Abrams, short subjects sales manager; John Joseph, advertising and publicity director; Lou Pollock, Eastern advertising and publicity manager, and James J. Jordan, O. C. Binder, Andrew J. Sharick, Herman Stern, Morris Alin, Adolph Schimmel and F. T. Murray.

Work and Joseph will return to the Coast following the meeting.

District managers who will attend are E. T. Gomersall, Joseph E. Garison and A. J. O'Keefe.

Field Staffs Attending

Branch managers and salesmen at the meeting include:

Chicago: Manager M. M. Gottlieb; salesmen T. G. Meyers, William Weinschenker, R. W. Funk, Max C. Brodsky, Alfred Kent, John Blank and head booker Walter A. Hyland.

Detroit: Manager E. Heiber; salesmen Jack Stewart, Bert G. Tighe, Jack R. Susami and head booker Eugene Alexander.

Indianapolis: Manager E. C. Craddock; salesmen W. H. Sherman, Wilbur B. Grant, Carl F. Mock and head booker Milton Ettinger.

Milwaukee: Manager Frank Mantzke; salesmen E. W. Gavin, R. J. Bassett, D. McFadden and head booker Orval Peterson.

Minneapolis: Manager L. J. Miller; salesmen Arch Zacherl, Sylvan Leff, Malcolm Halloran, Fred E. Abelson, Harold Johnson and head booker Claude Dickinson.

Des Moines: Manager Lou Levy; salesmen Joe Smith, R. G. Olson and head booker J. Rogatnick.

Kansas City: Manager Grover Parsons; salesmen Ralph A. Morrow, Roscoe Thompson, Leslie Durland, Isadore Beiser and head booker Edward Solig.

Omaha: Manager Otto A. Siegel; salesmen Lawrence Hensler, Isadore Weiner, R. J. Cadman and head booker W. E. Barker.

St. Louis: Manager Harry Hynes; salesmen J. H. Sarfaty, S. H. Nesbitt and head booker Harry Hynes, Jr.

Denver: Manager Jack Langan; salesmen A. W. O'Connell, Emmett Warner and Jack Allender and head booker T. A. McMahon.

Los Angeles: Manager C. J. Feldman; Office Manager Edward Cooke; salesmen Sam Milner, Lon E. Hoss, Foster M. Blake and head booker Harold Whitman.

Portland: Manager R. O. Wilson; salesmen C. J. Farnes, J. S. Hommel and head booker J. W. Harvey.

Salt Lake City: Manager C. R. Wade; salesmen J. R. French, H. W. Landstrom and head booker E. H. Smyth.


San Francisco: Manager Barney Rose; salesmen King Trimble, Bradley Fish, Al Bowman and head booker Charles McBride.

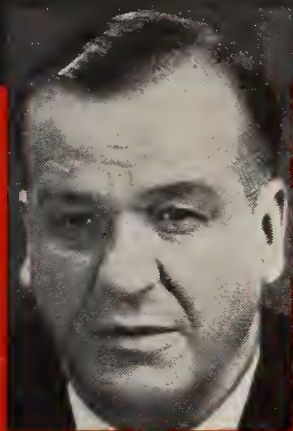
Seattle: Manager L. J. McGinley; salesmen C. L. Theuerkauf, M. G. Whitman and booker A. M. Kallen.

GTE Option to Hines

General Theatres Equipment Corp. has granted Earle G. Hines, president, an option to buy 15,000 shares of the company's stock at from \$16 to \$20 a share. The offer, good for five years, was revealed in a report to the Securities and Exchange Commission.

**CAN THE NAZIS SMASH THE MAGINOT LINE?
—CAN THE ALLIES PIERCE GERMANY'S**

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described by
MAJOR GEORGE
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ACCURATE! DRAMATIC! AMAZING!

**Produced and directed by
FREDERIC ULLMAN, JR.
Supervised by FRANK DONOVAN
Produced by RKO PATHE**



Women's Clubs Make Annual Radio Awards

America's best liked programs are of the forum discussion type, according to the annual nationwide poll of the Women's National Radio Committee, an organization embracing about 30 women's clubs with a voting poll of several million women listeners. The awards were made yesterday at the annual dinner at the Hotel Astor by Madame Yolanda Mero-Irion, their founder.

Topping all programs was "America's Town Meeting of the Air" (NBC), which won twice previously. Other contenders in the adult educational forum type of programs were "University of Chicago Roundtable" (NBC), "People's Platform" (CBS), "American Forum of the Air" (MBS), and "National Radio Forum" (NBC). These five programs were also the majority choice in the classification, "Best Serving Democratic Ideals."

Others Recommended

Other educational programs, not in the forum classification but highly recommended were "National Farm and Home Journal" (NBC), "Americans at Work" (CBS), and "On Your Job" (NBC). In the religious classification, Dr. Harry Emerson Fosdick's "National Vespers" (NBC) took first place with others following in order, "Church of the Air" (CBS), "Catholic Hour" (NBC), "Hymns of All Churches" (NBC), and "Religion in the News" (NBC). "Church of the Air" emerged first for "Serving Interfaith Relations" with "National Vespers" second, and "Religion in the News" third.

Special broadcasts of all networks on Christmas and Easter were generally commended. H. V. Kaltenborn (NBC) was voted the most popular news commentator, followed by Lowell Thomas (NBC), Raymond Gram Swing (MBS), and Elmer Davis (CBS). Associated Press and United Press were cited for their unbiased presentation of the news. European broadcasts highly praised were "News from Europe" (NBC), "The World Today" (CBS), and "News Roundup from Abroad" (MBS).

Drama Program Awards

"Lux Radio Theatre" (CBS) led among dramatic programs, followed by "CBS Workshop," "Camel Playhouse" (CBS), and "Great Plays" (NBC). In the evening dramatic serial classification, "One Man's Family" (NBC) led with "Aldrich Family" (NBC) a close second. "Gallant American Women" (NBC) was commended as an outstanding daytime program.

Edgar Bergen (NBC) won in the variety field, followed by "Good News of 1940" (NBC). "Information, Please" (NBC) and "Prof. Quiz" (CBS) led the quiz shows. "Ford Sunday Evening Hour" (CBS), which won several times before, won as the best sponsored serious music show, with "Metropolitan Auditions of the Air" (NBC) second. The NBC Symphony was first among the sustaining music shows, the N. Y. Philharmonic (CBS), second, and Alfred Wallenstein's "Sinfonietta" (MBS),

Off the Antenna

NBC television engineers returning from a demonstration in Bermuda on board the *President Roosevelt* Wednesday night, were startled when they picked up the W2XBS program 234 miles from the transmitter. Although the signal was not very strong, the picture and sound were both distinct and there was no trouble with fading. It marks the greatest distance that a television program has been received without any fading and the theory that television is limited by the horizon is slipping fast. The United States lines, pleased by the show, plan to install the sets for the regular trips and it may be possible to get a true picture of television's limits by keeping charts of the receivers' performances over a period of months.

An interesting sidelight of long-distance television was the fact that the program being received ended with the announcement that Starr Martin, Patricia Murray and Patricia Fitzgerald had won the titles of "Miss RCA Television," having been selected as winners by the television audience. Miss Martin, on board the *President Roosevelt*, was delighted to hear the news.

Radio editors will be put to a public test of their knowledge of the broadcasting business under a new type of quiz show being planned by Hyla Kiczales, general manager of WOV. The radio audience will submit questions concerning behind-the-scenes operations, and will receive prizes if they stump the "experts." C. J. Ingraham, radio editor of the *Jersey Journal*, is being considered for the "emcee" post, with three editors as guests each week.

Fred Allen, whose "Town Hall Tonight" on NBC-Red has been playing opposite the Texaco "Star Theatre" on CBS on Wednesdays from 9-10 P.M., has been signed by the Texas Co. for the 1940-41 season. Beginning in October, Allen will be heard at his usual time over 88 stations of the Columbia network. He is casting his show but no announcement about its format has been made yet. It will probably be called "Five Star Theatre" and feature a dramatic spot with a legitimate stage star as guest.

When commercial commitments prevented WHOM from carrying the speech of President Roosevelt at 2 P.M. yesterday, it was decided to transcribe it and put it on for the evening audience. Permission from the White House to use a recording was obtained, and it was placed on the air during periods ordinarily devoted to foreign language programs. It will be repeated again today.

With seven or eight stations in New York City carrying the speech during the afternoon, when most of the population is unable to listen, there would appear to be an opportunity for independent local stations to perform a public service by repeating them via transcriptions in the evening.

WOR carried a review of "Edison, the Man" by Henry Pringle at 11:40 last night as the first of a series of reviews which will be carried on the evening of a premiere in the case of films of outstanding merit.

Canadian Broadcasting Corp. will not broadcast the names of war casualties, it has been announced. The purpose of the ruling is to avoid the possibility that friends or relatives who listen to broadcast news bulletins may hear of a death before official notification from the war office. The names will also be withheld from the press until relatives have been advised officially.

CBC will make one exception. Where death is met in some particularly distinguished action, the radio story will give the name, but only after relatives have been notified. While newspapers will be permitted to publish full casualty lists, it is not regarded as desirable that similar information be disseminated over the air.

third. In the light music classification, "Firestone Symphony" (NBC) and "Cities Service Hour" (NBC) won.

"Let's Pretend" (CBS) and Irene Wicker (NBC) won among children's entertainment programs. "Columbia's School of the Air" was voted the best children's educational program, followed by "Music Appreciation Hour" (NBC) and "Cavalcade of America" (NBC).

All three networks shared in the award for the "outstanding broadcasts of 1939." These were held to be the speeches of King George, Prime Minister Chamberlain and President Roosevelt, on Sept. 3; the account of the scuttling of the *Graf Spee*; and the international broadcast of the Queen of the Netherlands and President Roosevelt on March 16.

Shows Free Pictures

PLYMOUTH, O., May 16.—Ed Ramsey, who operates the Plymouth, the only house here, has begun showing of free pictures on the public square on Wednesday nights, at which time the theatre is closed. Showings are sponsored by local merchants.

Virtuosity

Raymond Gram Swing, Mutual's foreign affairs commentator, appears to be headed for some sort of record for virtuosity. Not only has he composed a violin sonata, "Fantasia Quasi Una Sonata, Opus 6," which will receive its air premiere over Mutual at noon Sunday, but at Ebets Field yesterday he aided Red Barber in describing the Brooklyn-Cincinnati game before it was washed out. Swing summarized over the highlights of the four innings played.

Loew First to Sign New Erpi Contract

(Continued from page 1)

agreement replaces Erpi's original recording license drawn with the advent of sound in 1928. The principal differences between the new and old contracts are that the new agreement covers both domestic and foreign recording rights, whereas the old agreement covered domestic recording only, and lower royalties are established under the new agreement.

The new royalties, however, were agreed upon early in the negotiations and have been in effect for several years. The basic charge is \$54 per reel on high budget productions and \$27 per reel on low ones, with a minimum annual fee of \$100,000. The separate charge for foreign recording and dubbing is eliminated.

The rates parallel those of RCA Photophone.

UA Producers Have Plan for Circuit

(Continued from page 1)

larger key cities, these to be used for presentation of their own product exclusively and by means of flexible exhibition policies along the lines suggested recently by such United Artists producers as David O. Selznick and Samuel Goldwyn. The two are advocating higher admissions for the better type of picture and extended runs, differentiating between the same exhibition treatment now accorded good and poor product without distinction.

Lesser left for Chicago last night with Hal Roach to attend the second and final United Artists sales convention which opens today at the Congress Hotel there and concludes on Sunday. He will go to Philadelphia from Chicago and then to Boston for the premiere there of his new production, "Our Town."

Approves Fair Funds

WASHINGTON, May 16.—Appropriations of \$275,000 and \$250,000 for Federal participation in the New York and San Francisco Worlds Fairs, respectively, have been approved by President Roosevelt.

Producers Assigned

HOLLYWOOD, May 16.—Darryl F. Zanuck has designated 20th Century-Fox associate producer assignments as follows: Nunnally Johnson, "Chad Hanna"; Kenneth Macgowan, "Man Hunt"; and "Tin Pan Alley"; Harry Joe Brown, "Wild Geese Calling."

'Husbands,' Savitt \$17,000, Cleveland

CLEVELAND, May 16.—"Too Many Husbands" was the leader here, taking \$17,000 at the RKO Palace with the assistance of Jan Savitt's orchestra on the stage. "Dr. Cyclops" attracted a good \$5,500 at Loew's Stillman.

Estimated takings for the week ending May 9:

"Shooting High" (20th-Fox) (3 days)
"Man with Nine Lives" (Col.) (4 days)
ALLEN—(3,000) (30c-35c-42c). Gross: \$1,500. (Average, \$4,000)
"If I Had My Way" (Univ.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: \$7,000. (Average, \$11,000)
"Too Many Husbands" (Col.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Jan Savitt and orchestra on stage. Gross: \$17,000. (Average, \$13,500)
"Buck Benny Rides Again" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$11,000. (Average, \$11,000)
"Dr. Cyclops" (Para.)
LOEW'S STILLMAN — (1,900) (30c-35c-42c) 7 days. Gross: \$5,500. (Average, \$4,000)

Donahue at Club Dance

Al Donahue and his orchestra have been booked for the first annual dinner and dance of the Motion Picture Bookers Club at the Astor Sunday night.

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VOL. 47. NO. 99 NEW YORK, U.S.A., MONDAY, MAY 20, 1940 TEN CENTS

Metro Plans 52 Features Next Season

**Schedule 78 Shorts; Ad
Budget \$2,750,000**

M-G-M will release 52 features for the 1940-'41 season, the same as for the current year, the Eastern sales force was informed at the regional sales meeting at the Hotel Astor here over the weekend.

All films for the rest of the current season have been completed. Thomas J. Connors, Eastern sales manager, and William F. Rodgers, general sales manager, presided at the meeting here.

The sales staff was informed the company will release next season 78 short subjects, comprising 84 reels, in addition to 104 issues of "News of the Day."

Howard Dietz, director of advertising and publicity, told the convention that the 1940-'41 advertising appropriation will total \$2,750,000, the bulk of it to be spent in daily newspapers. "Apparently there is no limit to the business possibilities of exceptional pictures,"

(Continued on page 4)

20th-Fox Quarter Profit Is \$353,376

Twentieth Century-Fox on Friday reported consolidated net operating profit, after Federal income tax, of \$353,376 for the 13 weeks ended March 30, last. This compares with profit of \$1,224,250 for the first quarter of 1939 and profit of \$238,218 (exclusive of \$756,000 in dividends from National Theatres Corp.) for the fourth quarter of 1939.

No dividends were received from National Theatres Corp. during the first quarter of either year. The profits for the first 1940 quarter were reported as sufficient to cover the preferred dividend for the period. Gross income from sales and film rentals and accessories for the quarter amounted to \$12,562,362. Net operating profit before Federal income taxes was \$405,376.

Set Details Today For Appeal Lunch

A special meeting of the Amusement Division of the United Jewish Appeal will be held at 12:30 today at the Hotel Edison to complete plans for the annual luncheon Thursday.

David Bernstein, who is co-chairman of the division with Albert Warner, will preside at today's meeting.

Columbia to Release U.S. Maternity Film

Washington, May 19.—Columbia has been awarded a five-year contract for national distribution of "The Fight for Life," Government maternity film, with the Government to get 25 per cent of the gross. This marks the first release by a major company of a Government-produced film on a commercial basis.

The contract with the Federal Film Service stipulates that the film must be sold separately on a "reasonable" flat or percentage basis. Full control of distribution and exploitation remains with the Government.

Columbia was the only major company of seven which bid for the picture.

Para. Executives Start West Today

Paramount's home office executives and Eastern district and branch managers will leave here this afternoon in special cars of the Commodore Vanderbilt, en route to the company's annual three-day sales convention at the Ambassador Hotel, Los Angeles, beginning next Friday.

Neil Agnew, vice-president in charge of distribution, and J. J. Unger, Eastern division manager, arrived on the Coast by plane over the weekend to complete arrangements for the meeting. John Howard and Henry Randal accompanied them. Barney Balaban, president, left by train Friday. Robert M. Gillham, advertising and publicity director, is in the Midwest on business and will continue to the coast from there.

In the delegation leaving here today

(Continued on page 8)

'U' Accounts Pass 10,000 Total, Sales Meeting Informed

CHICAGO, May 19.—Universal had in excess of 10,000 exhibitor accounts on May 1, establishing a new high sales mark for the company, William A. Scully, vice-president and general sales manager, informed the company's sales convention in session at the Drake Hotel here today.

The meeting, which will be concluded tomorrow, is the second of two regional conventions held by Universal this year.

Commending the sales force for establishing the new record number of accounts, Scully said: "With the new season's product that has been announced, I have every reason to believe that even though we are nearing the 'ceiling,' you'll find the climbing even easier than last year."

William J. Heineman, Western division manager, presided with Scully at the meeting.

Winners of the recently completed Scully Sales drive were announced today. The winning branch managers

(Continued on page 8)

Film Men Unaffected By Evacuation Order

Evacuation of American citizens from London, which was urged by the American Embassy there, is not likely to affect many foreign executives in London, it was believed by home offices over the weekend.

It was pointed out that the Embassy instructions took cognizance that citizens with important business in England might decide to remain despite recent war developments.

Those who decide to leave have been advised to go to Ireland where they will be picked up by American boats.

Civic Groups Aim Pressure On Exhibitors

**Neely Committee Hears
of Plan from Witness**

WASHINGTON, May 19.—If the Neely bill is passed, improvement in the morals of films will come from the pressure public groups will exert on exhibitors, Miss Katherine Lyford of the Massachusetts Civic League, declared at the hearings on the bill Friday as the public organizations completed their testimony.

Miss Lyford told the House Interstate and Foreign Commerce committee that if the bill goes through, higher moral standards may result also from the wider range of selection which would be offered to exhibitors as a result of increased independent production.

Independent exhibitor spokesmen are scheduled to start their testimony tomorrow. Among those expected to urge enactment of the bill are Col. H. A. Cole, Allied States president; Sidney Samuelson, business manager of Eastern Pennsylvania Allied, and Nathan Yamins, former president.

It appears probable that the greater part of the week will be required for examination of the independent exhibitor witnesses and that the hearings will go into a third week to permit film industry representatives to state their case.

The committee on Friday completed the testimony of Mrs. Mary T. Bannerman of the National Congress of

(Continued on page 4)

Paramount Augments Show With 'Safari'

The Paramount on Broadway for the first time in its history Saturday presented a studio preview of a second feature with the regular program. The preview film was "Safari," a Paramount release. The augmented program ran all day, beginning at 2:30 P. M., and including the midnight show.

The regular program, in its fourth and last week, consisted of "Buck Benny Rides Again," Jack Benny film, with a stage show featuring Gene Krupa and his band and Connie Boswell.

The Paramount's studio previews are usually every Tuesday night, in advance of the new feature's opening on Wednesday. The apparent purpose of Saturday's preview was to obtain audience reaction in advance of release of "Safari," which is scheduled for the Paramount, with the date undetermined. "Typhoon" opens next

(Continued on page 8)

"Edison, the Man"

[Metro-Goldwyn-Mayer]

HOLLYWOOD, May 19.—Filmed with manifest faithfulness, the story of Thomas A. Edison's life between the ages of 22 and 35 is a commanding screen work, almost literally documentary, but primarily an entertainment picture. Producer John W. Considine, Jr., director Clarence Brown and the four writers supplying story and screenplay have chosen wisely to treat the Wizard of Menlo Park altogether simply as a human being, achieving compelling impressiveness by steadily avoiding visible artifices for impressing. They have supplied to the trade a fine piece of box-office merchandise and to the world a fine record of perhaps its most universally respected hero.

Spencer Tracy's portrayal of Edison is his best performance, although

(Continued on page 4)

Probe Censor After 'Primrose' Approval

Milwaukee, May 19.—With the city motion picture commission reiterating its approval of RKO's "Primrose Path," Mayor Carl F. Zeidler, who requested the board to reconsider its original approval, has asked an opinion of City Attorney Walter J. Mattison on the powers and duties of the commission.

Anticipate Eckman Parley with Mears

LONDON, May 19.—It is indicated here that Sam Eckman, British head for M-G-M, and Harry P. E. Mears, president of the Cinematograph Exhibitors' Association, will confer shortly on the "Gone With the Wind" controversy.

Meanwhile, the C. E. A. weekend bulletin to member exhibitors urges extreme caution in film deals, and indicates that the new war crisis has changed the entire situation with 50 per cent rental deals impossible. It is contended that with the threat of war in this country attendance is a doubtful factor and the whole rental basis must be altered.

Mann Suit Resumes

HOLLYWOOD, May 19.—Trial of the Ned Mann Co., patent suit against Walt Disney, alleging infringement in "Snow White" and "Pinocchio," will be resumed on Tuesday before Federal Judge Hollzer.

Personal Mention

SIDNEY R. KENT, president of 20th Century-Fox, left for the Coast by train Friday.

WILLIAM GOETZ, assistant to DARRYL F. ZANUCK, in charge of 20th Century-Fox production, has returned to the Coast.

LEO SPITZ left Friday for Chicago.

HARRY RANDEL, Paramount's Brooklyn and Long Island manager, is on a two-week Coast vacation, following which he will attend the company's sales convention.

BEN JOEL, theatre booking executive at Loew's, returns next Monday from a vacation in Atlanta with his family.

MARTIN MOSKOWITZ, assistant to HERMAN WOBBER, sales chief of 20th Century-Fox, is vacationing in Miami.

CHARLES SONIN, head of the purchasing department at Loew's, celebrated a birthday on Saturday. HARRY O. WORDEN, M-G-M salesman in Boston, has one today.

DAVID WESHNER, Warner district manager in Philadelphia, has been re-elected to the board of the Philadelphia Jewish Foster Home.

ANTONIO A. ROMANO, district manager for Associated Theatres, is at the Homeopathic Hospital, Providence.

S. CHARLES EINFELD, director of Warner advertising and publicity, arrived from South Bend, Ind., on Saturday with MORT BLUMENSTOCK, Eastern advertising and publicity head. The Einfelds are stopping at the Hotel Gotham.

GEORGE J. SCHAEFER, president of RKO, returned over the weekend from the Coast.

HARRY KOSINER, Eastern representative for WALTER WANGER, flew to Hollywood Saturday from U. A.'s Chicago convention.

RUBE JACKTER, Columbia assistant sales manager, left for Memphis by plane last night on business.

KATHARINE BROWN, story editor and Eastern production representative for Selznick International, starts a three-month vacation today.

THORNTON WILDER will attend the world premiere of SOL LESSER's U. A. film, "Our Town" in Boston on Thursday.

BERNARD WILDER of Warners theatre department is the father of a daughter born last week to Mrs. WILDER at the Beth Moses Hospital, Brooklyn.

CHARLES M. REAGAN, JOHN W. HICKS, SAM SHAIN, J. J. UNGER and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch on Friday.

A. J. MASON, Springhill, N. B., exhibitor, and conciliation board member, has been reelected president of the Nova Scotia Amateur Baseball Association.

LUCY FLACK, operator of the Capitol, Milford, Conn., is on an 11-day cruise to South America.

HAYDEN HICKOK, film editor of the Syracuse Herald, is vacationing here.

George Noffka Heads Para. Budget Bureau

HOLLYWOOD, May 19. — George Noffka, veteran film executive and formerly in the Paramount home office, has been appointed head of the Paramount's studio budget bureau. He succeeds R. J. Wolf, who has been made assistant to T. Keith Glennan, studio manager.

Griffis Due from Coast Visit Today

Stanton Griffis, chairman of Paramount's executive committee, is due here today from the Coast. He was host at a luncheon for Winthrop Aldrich, chairman of the Chase National Bank, late last week at the studio.

Boyd Fractures Leg

HOLLYWOOD, May 19.—Bill Boyd is in Hollywood Hospital with a fractured leg suffered Friday on location during the shooting of Harry Sherman's "Doomed Caravan." Shooting has been postponed.

United Artists' Ad Budget \$3,000,000

CHICAGO, May 19.—An advertising budget of approximately \$3,000,000 has been approved for United Artists' new season releases, Lynn Farnol, advertising and publicity director, told the company's Western sales forces in convention at the Congress Hotel here today.

L. J. Schlaifer, vice-president and Western sales manager, presided at the three-day convention which opened today. The meeting follows one in New York last week for the Eastern and Canadian forces.

Discussing the company's advertising policy, Farnol said: "To as great an extent as possible, United Artists will follow a policy of advertising test engagements of important pictures to experiment with a picture and the capacity of different advertising themes. By such experiments, and with publicity angles, with varying emphasis on the cast, by developing new exploitation and cultivating word-of-mouth publicity during the test engagements of a picture, we hope to attract its ultimate potential audience."

Farnol said that United Artists spends twice as much per picture on trade paper advertising as any other distributor.

Home office executives, including Maurice Silverstone, head of United Artists operations, and Harry Gold, vice-president and Eastern general sales manager, left for New York tonight. Hal Roach, here for the meeting, left for the Coast, and Sol Lesser, also a speaker, for Philadelphia.

UA Directors May Weigh Circuit Idea

A special meeting of the United Artists board of directors is scheduled for tomorrow.

Sol Lesser, United Artists producer, has been asked to attend the meeting, presumably to detail for the board his plan for the acquisition by United Artists producers of theatres interests in key cities, as show-windows for their product and with flexible exhibition policies under their own control.

M.P.A. Meet Wednesday

Motion Picture Associates will hold a regular luncheon meeting at the Hotel Astor on Wednesday, with Col. Patrick Powers as guest. It will be the final luncheon until the Fall.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Al. Tec says:

Scientists are constantly finding new improvements in sound, and are putting those improvements on the sound tracks, at the studios. Do you know when these improvements are made? Are you getting these improvements off the sound track in your own theatre? Are your patrons getting the benefit? There is one sure way for you to find out. Let the Altec inspector in your locality tell you.



AL. TEC

ALTEC
SERVICE CORPORATION

250 West 57th Street, New York City

THE SERVICE ORGANIZATION OF THE MOTION PICTURE INDUSTRY

**ORRID
ZONE**
ANDY DEVINE
HELEN VINSON

TORRID ZONE



Is Torrid!
(WARNERS FOR ACTION!)

**ORRID
ZONE**
ANDY DEVINE
HELEN VINSON

**LAST FRIDAY'S
N.Y. STRAND OPENING
BIGGEST SINCE
'FIGHTING 69TH'**

**JAMES CAGNEY
ANN SHERIDAN
PAT O'BRIEN**
in
"TORRID ZONE"
with
ANDY DEVINE • HELEN VINSON
Directed by **Jerome Cowan • George Tobias**
Original Screen Play by **Richard Macaulay and J.**
A Warner Bros. • First National

Metro Plans 52 Features Next Season

(Continued from page 1)

Dietz declared. A series of local newspaper budgets will be centered in key cities under the direction of field exploitation men, Dietz said.

Among the pictures scheduled for the rest of the current season and early Fall are: "Waterloo Bridge," with Vivien Leigh and Robert Taylor; "Susan and God," with Joan Crawford and Fredric March; "The Mortal Storm," co-starring Margaret Sullavan and James Stewart; "New Moon," with Jeanette MacDonald and Nelson Eddy; "Pride and Prejudice," with Greer Garson and Laurence Olivier; "Andy Hardy Meets Debutante," co-starring Mickey Rooney and Judy Garland; "Boom Town," with Clark Gable, Spencer Tracy, Claudette Colbert and Hedy Lamarr, and "I Love You Again," with William Powell and Myrna Loy.

The first release of the new season will be "Escape," from the Ethel Vance novel, with Norma Shearer and Robert Taylor.

Greta Garbo will have the title role in "Madame Curie," based on the book by Eve Curie.

The "Thin Man" co-starring combination of Myrna Loy and William Powell will be reunited in "The Thin Man's Shadow." Miss Loy also will be starred in "Third Finger, Left Hand," and "The Road to Rome," based on the Robert E. Sherwood play.

Gable Films Listed

Clark Gable will be co-starred with Myrna Loy in "The Great Canadian," the story of a hockey star.

Other Clark Gable vehicles include: "Witch of the Wilderness," a melodrama with a South American jungle background; "The Life of Simon Bolivar," based on the career of the South American statesman and patriot; and "Osborne of Sing Sing," in which he is co-starred with Robert Taylor.

Spencer Tracy is scheduled to make at least three new pictures, "The Ex-Mayor of Boys Town," a sequel to "Boys Town"; "Sea of Grass," based on Conrad Richter's novel of New Mexico, and "The Yearling," from the best-seller by Marjorie Kinnan Rawlings.

Norma Shearer will make two pictures, based on stage plays. They are "Tonight at 8:30," an adaptation of incidents in Noel Coward's group of one-act plays and "The World We Make," based on Sidney Kingsley's Theatre Guild stage production of the past season. She will also be starred in "Forever," an original story.

Katharine Hepburn will play the lead in a screen version of her stage vehicle of the past year, "The Philadelphia Story." This will mark Miss Hepburn's first appearance for Metro.

The Marx Brothers will be seen in "Go West."

Two for Joan Crawford

Two pictures are announced for Joan Crawford. One will be "Bombay Nights," an adaptation of the story of the same name by Louis Bromfield. The second is tentatively known as "Woman's Face," with James Stewart as probable co-star.

Robert Taylor will appear opposite

"Edison, the Man"

[Metro-Goldwyn-Mayer]

(Continued from page 1)

not his most dramatic. He appears at start and close of the picture in substantial sequences as Edison at the age of 82, giving in these a character delineation, in terms of makeup, vocal delivery and mannerism, of surprising brilliance. He plays the in-between years with makeup and is, of course, always Tracy, although less Tracy and more his subject than in any previous film. Showmen who elect to exploit the picture as his finest performance are not likely to hear much back talk from customers thus attracted.

Although by no means all of the Edison inventions are dealt with, save by reference, the measure of their importance is effectually conveyed. His invention of the incandescent light and his illumination of New York City with it against opposition is thrillingly presented. The preview audience was completely captured by the film.

Naturally, Tracy's performance dominates the picture. Distinguished support is provided, however, by Lynne Overman, Gene Lockhart, Charles Coburn, Henry Travers, Rita Johnson, Felix Bressart and Gene Reynolds, among others.

Running time, 107 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

the new M-G-M star, Lana Turner, in "Tropical Hurricane." Taylor will also be seen in "Cause for Alarm" and "Flight Command."

Wallace Beery will be starred in "Wyoming." He will also be seen in "Combat Car," a story relating to the present war.

M-G-M will continue its "Hardy Family" and "Dr. Kildare" series. In addition to the Andy Hardy role, Mickey Rooney will be seen in at least three other productions. He will co-star with Spencer Tracy in "The Ex-Mayor of Boys Town." The musical starring team of Rooney and Judy Garland will appear in two new musical vehicles, "Strike Up the Band" and "Babes on Broadway."

One of James Stewart's parts for the new season will be "Wings on His Back." Robert Montgomery's first picture of the new year will be "I Had a Comrade." Ann Sothern's first starring film of 1940-'41 will be "Dulcy."

Musicals Scheduled

One of the most ambitious musicals of the new season will be "Ziegfeld Girl," in which James Stewart, Hedy Lamarr, Eleanor Powell and Lana Turner will appear. Miss Powell also will appear in "Broadway Melody of 1941." Other musical productions will include: "Little Nellie Kelly," the George M. Cohan stage play in which Judy Garland will appear; Noel Coward's "Bitter Sweet" and "I Married an Angel." Nelson Eddy and Jeanette MacDonald will be co-starred in the latter two. Miss MacDonald also will be in a straight dramatic role in the feminine lead of "Smilin' Through."

Among the other story properties from which stories will be selected are: "Our Home Town," "Countess Maritza," "Beau Brummel," Oscar Wilde's "The Canterville Ghost," Fannie Hurst's "Great Laughter," "Good News," "Mister Co-ed," "Rage in Heaven," "War Eagles," "Adventure for Three," "Whitechapel," "Dawn's Early Light," "Two Sons," "Clear All Wires," "Fingers at the Window," "Cathleen" and "Soapy Smith."

Short Subjects Groups

Next season's shorts lineup will be headed by six "Crime Does Not Pay"

two-reelers, several of which are to be based on racket investigations currently in the news. Topping the one-reeler division will be 14 Pete Smith Specialties, in which the "unseen star" will feature factual material.

John Nesbitt will deliver nine documentaries of topical interest in his "Passing Parade" series. The documentary treatment will also be represented in a series of 10 "Miniatures," the majority of which will be narrated by Carey Wilson. Eighteen cartoons, in color, will be divided between producers Hugh Harman and Rudolph Ising. Next season's 12 color "Travel-talks," produced by James A. FitzPatrick, will be devoted largely to the United States and its possessions. Completing the list will be nine "Our Gang" comedies, which are to be produced with an eye to adult appeal, the company said.

Stars and Directors

In the 1940-'41 features, the following 28 stars will be seen:

Lionel Barrymore, Wallace Beery, Joan Crawford, Robert Donat, Nelson Eddy, Clark Gable, Greta Garbo, Judy Garland, Greer Garson, Katharine Hepburn, Hedy Lamarr, Myrna Loy, Jeanette MacDonald, the Marx Brothers, Robert Montgomery, Eleanor Powell, William Powell, Mickey Rooney, Rosalind Russell, Norma Shearer, Ann Sothern, James Stewart, Margaret Sullavan, Robert Taylor, Spencer Tracy and Lana Turner.

Featured players will include:

Judith Anderson, Edward Ashley, Lew Ayres, Lee Bowman, Billie Burke, John Carroll, Lynne Carver, Laraine Day, Melvyn Douglas, Daffie Frantz, Helen Gilbert, Bonita Granville, Virginia Grey, Sara Haden, Fay Holden, Mary Howard, Ian Hunter, Ruth Hussey, Rita Johnson, George Lessey, Diana Lewis, Leni Lynn, Ilona Massey, Douglas McPhail, Frank Morgan, Ann Morriss, George Murphy, Tom Neal, Maureen O'Sullivan, Reginald Owen, Cecilia Parker, Nat Pendleton, Walter Pidgeon, June Preisser, Eugene Reynolds, Ann Rutherford, John Shelton, Lewis Stone, Shepperd Strudwick, Karen Verne, Virginia Weidler, Johnny Weissmuller and Robert Young.

Directors under contract include:

Bushy Berkeley, Frank Borzage, Clarence Brown, Harold S. Bucquet, Edward Buzzell, Jack Conway, George Cukor, Leslie Fenton, Victor Fleming, Mervyn LeRoy, Edwin L. Marin, Richard Rosson, Reinhold Schunzel, George B. Seitz, S. Sylvan Simon, Robert Sinclair, Norman Taurog, William Thiele, Richard Thorpe, Jacques Tourneur, W. S. Van Dyke and King Vidor.

Civic Groups Aim Pressure On Exhibitors

(Continued from page 1)

Parents and Teachers, and heard Mrs. Daniel Shaver, exhibitor of Shavers-town, Pa., in addition to Miss Lyford, who is from Boston.

Miss Lyford's rambling discussion was cut short by Rep. Charles Wolverton, who pointed out that it is impossible to legislate taste and declared the bill was intended to regulate trade practices.

Mrs. Bannerman completed her presentation with a bitter arraignment of the producers, but Miss Lyford credited them with trying to release good films although charging that they underestimate public taste.

Mrs. Bannerman charged that Will H. Hays is the "chief lobbyist" for the industry, and his publicization as "czar" is window dressing. Crediting the present Administration with taking the first steps to curb the industry, she told the committee that "until the New Deal came along Hays blocked every effort in Congress to regulate the movie trust."

In a hesitant, stumbling voice, Mrs. Shaver told the committee of the difficulties she encountered in getting product for her small-town house. She declared that in order to get pictures her people would like, she had to take practically all of the features, newsreels and shorts of three companies for an 18-month period. Many of the pictures sent her, she said, were not liked by her audience, which preferred "underdog" themes.

Unable to get concessions from the companies, she appealed first to Allied for assistance and, upon their inability to straighten things out, filed a complaint with the Department of Justice, and thereafter company salesmen reproached her.

In leasing product for the present year, she said, one salesman laid a contract before her for signature, saying, "Here's your medicine; take it and like it."

Mrs. Shaver was asked many questions by committee members, but confessed she knew little or nothing about the technical details of contracts or practices of the companies, other than that she couldn't get pictures her people wanted to see.

"I am interested in your testimony," said Rep. Luther Patrick at one point. "You are worth a dozen of these professional crusaders who come in here and try to take charge of things."

Neely to Campaign From Washington

WASHINGTON, May 19.—Senator Matthew M. Neely, returned here after having captured the Democratic nomination for governor of West Virginia, is expected to make his Summer campaign without leaving the Senate, and may not even leave Congress to assume the gubernatorial post.

There were unconfirmed reports that if elected, Neely may resign as governor after being sworn in, to remain in the Senate. In any case, it is believed he would not quit the Senate until ready to take office as governor, because of the possibility of a Summer or Fall special session. It is said he entered the primary fight chiefly to beat the "state house machine."

"LILLIAN RUSSELL" KNOCKS 'EM COLD!

NEW YORK—Opening tremendous! Early lines form at 9 A. M. and stretch to 6th Avenue, mounting through the day until evening crowds get completely beyond control! Traffic on Broadway halted! Doors forced to close! Thousands turned away!

PITTSBURGH—Show after show, the crowds storm Harris-Alvin, terrific demand repeatedly exhausting even standing room capacity!

Read →

**"'LILLIAN RUSSELL' . . . A
MAGNIFICENT ATTRACTION
THAT CANNOT FAIL TO BE
A BOXOFFICE BONANZA!"**
—Hollywood Reporter

**"'Lillian Russell' is not only a worthy successor
to 'Alexander's Ragtime Band' but in many ways
even better! Alice Faye gives a performance that
is in a class by itself. In my opinion this is the
best picture that Darryl Zanuck has made!"**
—Louella Parsons, Motion Picture Editor, International News Service

**"Zanuck adds another bright and shining
feather to his already crowded cap of
achievement. Terrific entertainment. Lillian
Russell never had a failure in the theatre—the
picture is a cinch to carry on that tradition."**
—Jimmy Starr, Los Angeles Herald

**"'Lillian Russell' offers a full
grab bag of entertainment!"**
—Buck Herzog, Milwaukee Sentinel

**"'Lillian Russell' of the screen will capture America
as completely as did the Lillian Russell of her day."**
—Herbert Larson, Portland Oregonian

**"MASTERFUL PRODUCTION FROM EVERY ANGLE—ACTING,
PERSONALITIES, AND ABOVE ALL, ENTERTAINMENT!"**
—John E. McCormick, Salt Lake Telegram

"It was perfect!"
—George C. Gallati, International News Service

**"'Lillian Russell' for two hours makes you
believe again in romance, beauty and gaiety.
The star of Alice Faye shines more brightly,
more clearly than ever before."**
—Harrison Carroll, King Features Los Angeles

"A TRIUMPH FOR ALICE FAYE AND THE PRODUCERS OF THE FILM!"
—Charles S. Howard, Boston Globe

"'LILLIAN RUSSELL' . . . A TRIUMPH!"
—Virginia Wright, Los Angeles Daily News

**"A picture that blends the romance, melody
and nostalgia of a golden theatrical era. Alice
Faye is breath-taking as Lillian Russell!"**
—Fred Johnson, San Francisco Call-Bulletin

**"If Lillian Russell could really act and sing like
Alice, she must have been pretty good too!"**
—Keith Wilson, Omaha World Herald

"Better than 'Alexander's Ragtime Band' . . . 'Lillian Russell' grand entertainment!"
—Harry Murdock, Philadelphia Ledger

**"A grand picture about a grand entertainer.
'Lillian Russell' is magnificent. Alice Faye
makes a superb and perfect Lillian and I
saw the original Lillian Russell herself."**
—Harold Hunt, Portland Journal

**"It compares intriguingly with 'Alexander's Ragtime
Band' and will enjoy similar popularity!"**
—Edwin Schallert, Los Angeles Times

"Public should accord it a terrific reception; and the producer-distributor should find it a top grosser of this or any year! In brief, **'Lillian Russell'** is a natural boxoffice smash!"
—The Film Daily

"**'Lillian Russell'** takes top rank with **'Alexander's Ragtime Band'!**"
—Wood Soanes, Oakland Tribune

"IT WAS WONDERFUL. A GREAT PICTURE!"
—Nate Gross, Chicago Herald American

"To a lavish degree, **'Lillian Russell'** has the stuff to bring in the big coin: names, fetching music, extravagant production, a fascinating story, a wealth of entertainment!"
—Hollywood Variety

"A stirring triumph, vitally recreating the life and loves of the most glamorous characters America has known. Nobody could have been a more superb **Lillian Russell** than Alice Faye!"
—Jules Steel, St. Paul Pioneer Press

"**'Lillian'** practices what **'Alexander'** preached. Eight tunes and a boxoffice jingle."
—Ken Clayton, Des Moines Register Tribune

"LONG TO BE REMEMBERED."
—Eleazer Shinmark, Chicago Herald American

"Combines all essentials of entertainment necessary for boxoffice success!"
—Showmen's Trade Review

"**'Lillian Russell'** tops even **'Alexander's Ragtime Band'!** Alice Faye is great. It's one of the really great all-time musicals with a tremendous story of a great sympathetic power."
—Maurice Savage, San Diego Union Tribune

"A GRAND PIECE OF ENTERTAINMENT!"
—Harry Martin, Memphis Commercial Appeal

"Alice Faye surpasses all previous performances with her brilliant impersonation of the first glamour girl in this rich saga!"
—Helen Eager, Boston Traveler

"Nostalgic for older generations, glorious for the younger, entertaining always for both!"
—Earl N. Pomeroy, Minneapolis Morning Tribune

"An elaborate and beautifully produced film!"
—Kate Cameron, N. Y. Daily News

"Swell... the grandest experience a movie fan will ever have!"
—Dorothy Guinan, Philadelphia Daily News

"**'LILLIAN RUSSELL'** A MEMORABLE MONEY-GETTER!"
—Motion Picture Daily

"**'LILLIAN RUSSELL'** PROMISES TO TAKE RANK AS ONE OF THE GREATEST PICTURES OF ALL TIME."
—Charles Comfort, Seattle Star



Para. Executives Start West Today

(Continued from page 1)

will be: Adolph Zukor, chairman of the board; John W. Hicks, vice-president and foreign department head; Oscar Morgan, Southern division manager, and Charles Reagan, Central division manager.

Also, G. B. J. Frawley, H. J. Lorber, A. J. Dunne, M. R. Goodman, F. A. Leroy, J. Roper, Knox Haddow, L. Flynn, J. Barry, Sam Palmer, M. H. Lewis, E. Ruff, M. S. Kusell, M. Sattler, E. H. Bell, E. W. Sweigert, U. F. Smith, George Beattie, J. E. Fontaine, Alex Moss, Al Wilkie, A. J. Richard, George Weltner, Albert Deane, George Fraser, A. Reyes, A. O. Dillenbeck, Don Gibbs and Pat Scollard.

The group will be joined by district and branch managers from the Midwest in Chicago, and will leave for Los Angeles from there by special train. Members of the company's 100 per cent salesmen's organization will attend the convention in addition to the executives and district and branch managers.

Farnsworth Quits U. S. Attorney Post

U. S. Special Attorney William P. Farnsworth, head of the Federal anti-trust division's New York office, has submitted his resignation to Assistant Attorney General Thurman W. Arnold, effective June 1. Farnsworth will resume private practice, after completing the Government's preparation for trial of the film suit.

Farnsworth has been in charge of the Government investigation of the exhibition situation in the New York Metropolitan area. He was attorney for the NRA film code in the Blue Eagle days.

Paramount Augments Show With 'Safari'

(Continued from page 1)

Wednesday at the Paramount, and will be shown as a regular preview Tuesday night.

Spring weather, the war broadcasts and the World's Fair kept Broadway business spotty Friday, with the Strand and the Roxy reporting good attendance. The Roxy's Friday night gross was helped by the personal appearance at the 9:45 P. M. show of Alice Faye, Edward Arnold and Weber & Fields, who appear in "Lillian Russell," the theatre's screen attraction. The Strand has "Torrid Zone," with Sammy Kaye and his orchestra on the stage.

'Delight' Trial May 27

Notice of trial for May 27 of the \$250,000 breach of civil rights suit of Gloria Carruther against Loew's has been filed in the N. Y. Supreme Court. Plaintiff, an actress, charges the defendant with maligning her in the part of Madame Zulioka played by Louise Hope Cruise in "Idiot's Delight."

Manages Danz House

SEATTLE, May 19.—Charles Barnes has been named manager of John Danz's Palomar here, succeeding Jerry Ross, moved to Portland recently to manager Danz's Orpheum.

Critics' Quotes . . .

"MY SON, MY SON" (Small-UA)

Packed with dramatic material . . . has been directed with great skill by Charles Vidor and Small has given it a fine production and cast.—*Kate Cameron, New York Daily News.*

For all of Charles Vidor's adroit direction of an episodic narrative, for all of the fine performing done by such members of the cast as Louis Hayward, Madeleine Carroll or Laraine Day, the new Music Hall offering is on the tear jerker side.—*Howard Barnes, New York Herald Tribune.*

A screenplay which in every respect preserves the emotional content of the original . . . Much emotional torment has been poured into "My Son, My Son," but there is also a lot of film over which it must spread out.—*Bosley Crowther, New York Times.*

The pace of the picture is deliberately slow, perhaps too slow. This fault, combined with the plot's tendency to go off on tangents because of the effort to get too much of the novel in the picture, is the only thing that can be said against it.—*Lee Mortimer, New York Daily Mirror.*

There is some nice writing in it and some of the acting is genuinely exciting. And yet, to me, the piece is terribly cluttered with subplots and not always very convincing in its characterizations.—*William Boehnel, New York World Telegram.*

The plot is an elaborate one for the screen, with numerous counterplots running through it. The cast, under Charles Vidor's direction, wisely underplays scenes that might have been wildly melodramatic.—*Eileen Creelman, New York Sun.*

The production is distinguished, splendidly English in atmosphere and accent (except where it's Irish), and it gives you the sensation of weighty matters treated in a manner befittingly serious.—*Archer Winsten, New York Post.*

"20 MULE TEAM" (M-G-M)

Built just to get laughs for Wallace Beery and to work in a shooting scene or two, the film is inoffensive.—*Eileen Creelman, New York Sun.*

A vigorous outdoor melodrama . . . bang-up entertainment along the lines of the action-packed western.—*New York Journal American.*

Super-western. . . In scope—unless one considers its magnificent natural backgrounds—it is not colossal. In appeal, it is hearty.—*Irene Thirer, New York Post.*

May not be the most exciting and thrilling western you have ever seen, but it has some nice writing in it, some expert characterizations and plenty of effective atmosphere. The result is fair-to-middling entertainment.—*William Boehnel, New York World Telegram.*

A western that combines rowdiness, skull-duggery and humor with happy results. I take pleasure in recommending it wholeheartedly.—*Wanda Hale, New York Daily News.*

When words speak louder than action, the result is desultory drama . . . moves little faster than its plodding mules.—*New York Times.*

A rare treat for adventure fans. Wisely enough M-G-M has stuck to the familiar western formula for Wallace Beery's latest vehicle and the result is surprisingly happy.—*Lee Mortimer, New York Daily Mirror.*

A Wallace Beery picture must follow a certain formula. If it has the right setting and treatment, it can be entertaining and effective. Such is the case with the good-bad man's latest vehicle . . . a rugged outdoor film with pleasant snatches of tomfoolery.—*Howard Barnes, New York Herald Tribune.*

"THE DARK COMMAND" (Republic)

Continues Hollywood's efforts to vary the pattern of its western thrillers by substituting the American Civil War for Indian raids . . . spectacularly chronicles the misdeeds of Outlaw Quantrell.—*Time.*

For exciting screen entertainment, there's nothing to beat the good old Western—that is when the film is made by those who know their movies. "Dark Command" belongs to this class.—*Elsie Finn, Philadelphia Record.*

The film with its historical background, rousing adventure scenes and brightening sequences of humor, has been given well-paced direction by Raoul Walsh.—*Mildred Martin, Philadelphia Inquirer.*

It is only the shrewd direction of Raoul Walsh that makes "Dark Command" reach the peak of western film entertainment.—*Philadelphia Daily News.*

An exciting adventure yarn that has fully as much historical warranty as Margaret Mitchell's classic . . . "major" in every respect.—*Philadelphia Ledger.*

A semi-historical horse opera. . . Chief virtues are grand photography and lots of action.—*Laura Lee, Philadelphia Bulletin.*

The most rousing and colorful horse opera that has gone thundering past this way since "Stagecoach." . . . If it's excitement you're looking for, you can go farther and do a lot worse.—*Bosley Crowther, New York Times.*

Super-western . . . sweeping and spectacular in its presentation . . . the direction is sure and swift and inspired, the action rip-snorting, and the acting by John Wayne as Bob Seton, Claire Trevor as the delicate lovely girl, and Pidgeon as Cantrell is well night perfect.—*Lee Mortimer, New York Daily Mirror.*

An exciting and fast-moving film melodrama. . . The scenarists have done a skillful job in fashioning a screenplay that is at times hilariously amusing and at others filled with suspense and thrilling action.—*Kate Cameron, New York Daily News.*

Exciting and generally persuasive . . . the most ambitious current release of Republic.—*Howard Barnes, New York Herald Tribune.*

'U' Accounts Over 10,000 Mark May 1

(Continued from page 1)

in the order in which they finished are: M. M. Gottlieb, Chicago; C. J. Feldman, Los Angeles; Harry Hynes, St. Louis; R. O. Wilson, Portland, and G. C. Craddock, Indianapolis.

District and branch meetings will be held tomorrow and the home office executives here will leave for New York thereafter. Cliff Work, Universal studio head, and John Joseph, advertising and publicity director, will leave for the Coast from here. Approximately 100 executives, managers, salesmen and head bookers attended the convention.

'Doctor' at \$9,000 Indianapolis Top

INDIANAPOLIS, May 19.—"The Doctor Takes a Wife" and "Two Girls on Broadway" led the town with \$9,000 at Loew's, closely followed by "If I Had My Way" and "Enemy Agent" with \$7,000 at the Indiana.

Estimated takings for the week ending May 17:

"Buck Benny Rides Again" (Para.)
"Opened by Mistake" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days, 2nd week. Gross: \$6,500. (Average, \$6,000)
"If I Had My Way" (Univ.)
"Enemy Agent" (Univ.)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$7,000. (Average, \$5,000)
"The Doctor Takes a Wife" (Col.)
"Two Girls on Broadway" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$9,000. (Average, \$7,000)
"Dark Command" (Rep.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: "Variety Revels." Gross: \$6,800. (Average, \$8,000)

Capitol Suit Ended

Suit of Edward Sheldon and Margaret Ayer Barnes against Moredall Realty Corp., owner of the Capitol Theatre, for exhibition of the film, "Letty Lynton," ended on Friday when satisfaction of a \$4,723 judgment was filed in the U. S. District Court. Plaintiffs wrote the play, "Dishonored Lady," infringed by the film, according to court decision.

To Question Gibson

Peyton Gibson, secretary of Universal, has been ordered to submit to examination before trial by the Appellate Division of the N. Y. Supreme Court in connection with the \$60,000 damage suit of Wilhelm Karol. Plaintiff claims to have induced Giuseppe Domenico Musso to pay \$400,000 to Universal in 1938 for the franchise to distribute Universal films in Italy.

Hold Rites for Beatty

Funeral services were held on Saturday in Nutley, N. J., for Albert M. Beatty, 58, former head of the camera department for International Projector Corp., who died Friday after a long illness. Survivors include the widow and two children. Beatty retired two years ago after 10 years with International.

Veteran Pact to 'U'

Universal has again been awarded the contract to supply features, shorts and newsreels to 84 veterans' hospitals and soldiers' homes throughout the country, according to Herman Stern, head of the non-theatrical department. The contract, through the U. S. Veterans' Administration, is for one year, beginning July 1.

THEY TAKE THEM ALL IN THEIR STRIDE

DIFFICULT, unusual, routine — no matter what the shot requires, one of the three Eastman negative films will more than fill the bill. Special ability backed by unvarying uniformity has made them the mainstay of modern cameramen. Eastman Kodak Co., Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*

Fort Lee

Chicago

Hollywood

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Circus Takes Toll of Boston Film Grosses

BOSTON, May 19.—The circus, along with sunny weather, hit grosses here. Loew's State and Orpheum, with "Too Many Husbands" and "Dr. Kildare's Strange Case," took in a total of \$28,500.

Estimated takings for the week ending May 15:

"So This Is London" (20th-Fox)
 "Hidden Gold" (Para.) 3 days
 "War Angels" (Para.)
 "One Night in Paris" (Alliance) 4 days
 KEITH BOSTON—(3,200) (25c-35c-40c)
 Gross: \$8,000. (Average, \$8,000)
 "Johnny Apollo" (20th-Fox)
 "Curtain Call" (RKO)
 KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: \$15,500. (Average, \$16,000)
 "Till We Meet Again" (W. B.)
 "Tear Gas Squad" (W. B.)
 METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$11,500. (Average, \$15,500)
 "My Son, My Son" (U. A.)
 "On Their Own" (20th-Fox)
 PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$7,500. (Average, \$7,500)
 "My Son, My Son" (U. A.)
 "Jones Family on Their Own" (U. A.)
 FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: \$4,800. (Average, \$4,500)
 "Grapes of Wrath" (20th-Fox)
 "Dr. Cyclops" (Para.)
 SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$5,000. (Average, \$4,000)
 "Dr. Kildare's Strange Case" (M-G-M)
 "Too Many Husbands" (Columbia)
 LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$12,500. (Average, \$12,000)
 "Dr. Kildare's Strange Case" (M-G-M)
 "Too Many Husbands" (Columbia)
 LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$16,000. (Average, \$17,500)

War Not Affecting Toronto Grosses

TORONTO, May 19.—The war news and the fact that the conflict has reached a crucial stage have not hurt theatre attendance generally in Toronto, according to a number of managers. The number of local holdovers is taken as an indication that patrons are continuing to "shop" in choosing their film entertainment and any picture that hits the popular fancy is a draw.

It has been pointed out that daylight saving has done more to hit patronage than the war despatches, box-office figures having taken a seasonal decline immediately after the change in the clocks when outdoor sports got under way. Reports of several large circuits, such as Famous Players Canadian Corp. and United Amusement Corp., reveal that receipts have been better than a year ago.

Studios Participate In Houston Pageant

HOUSTON, May 19.—With designs created by experts of 11 Hollywood studios, the Electrical Motion Picture Pageant will be staged at Rice Stadium here June 22. The two-and-a-half hour show, in which will be seen leading film stars, is sponsored by the local Elks with proceeds going to defray 1940 convention expenses.

Floats depicting various fantasies, a 50-foot Chinese dragon ceremony and a cast of several hundreds for other pageants are planned. W. W. Short, convention manager, reports. Fred Tabery, Los Angeles, is producer of the pageant.

Hollywood Reviews

"You Can't Fool Your Wife"

(RKO)

HOLLYWOOD, May 19.—A farce of domestic wrangling for adult audiences, RKO's "You Can't Fool Your Wife" shows James Ellison, as a timid accountant, and Lucille Ball, as his wife, both of whom become enmeshed in a lacklustre marital routine. She throws him out of the house because she misunderstands his motives in staying out late several nights. He refers to his mother-in-law as "an old goat," a phrase which is recurrent throughout the film.

A friend induces the wife to pose at a masquerade party as a famous actress in order to win her mate back, but the real actress turns up and complicates matters. Ellison mistakes the actress as his wife, and then his wife as the actress. He winds up by taking the girl he believes to be the actress to his new apartment.

The girl determines to find out what has been happening during their separation and climbs into bed. She reveals her identity as his wife and stalks home, when he demands a "good-night kiss." He follows and smooths everything out by telling her he knew it was she all the time.

Supporting are Robert Coote, Virginia Vale, Emma Dunn, Elaine Shepard, William Halligan and Oscar O'Shea.

Ray McCarey directed this Cliff Reid production from a screenplay by Jerry Cady, who adapted a story by Richard Carroll and McCarey.

Running time, 65 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

"Those Were the Days" ("At Good Old Siwash")

(Paramount)

HOLLYWOOD, May 19.—Based on the "Siwash" stories of life at a fresh water college just after the turn of the century, this Don Hartman screenplay portrays the pranks and romances of a carefree collegiate era in simple, unaffected style.

As a young freshman primarily impressed with his own importance, William Holden's pranks get him before the local court for sentence, where he manages to win a stay of a week. That week is devoted to courting the judge's daughter in an attempt to ease his plight, but results in a romance complicated by the judge's sentence which suspends a jail term providing no attempt is made by the offender to see his daughter.

Treating the story as a gentle comedy of nostalgia, the cast, in addition to Holden, includes Bonita Granville, Ezra Stone, Judith Barrett and Vaughan Glaser.

Ted Reed produced and directed with obvious understanding of the story's mood and tempo.

Running time, 75 minutes. "G."*

W. S.

*"G" denotes general classification.

W.B. Warehouse Union Is Certified

WASHINGTON, May 19.—The National Labor Relations Board has announced the certification of the American Federation of Office Employees (A.F.L.) as the sole collective bargaining agency selected by a majority of the employees of Warners' West 54th St. warehouse in New York.

The certification was based on an election held April 26, resulting in an eight to four vote in favor of the union. Involved are Warner Brothers Pictures, Warner Brothers Circuit Management Corp., Producers Settlement Corp., Circuit Settlement Corp., Globe Export Corp. and Vitagraph.

RKO Signs Beauchamp

HOLLYWOOD, May 19.—Clem Beauchamp has been appointed associate producer under Lou Brock's supervision in RKO's short subject department.

'Baby Peggy' Sues On Privacy Rights

HOLLYWOOD, May 19.—Mrs. Gordon Ayres, known in silent films as Baby Peggy Montgomery, has filed suit in Superior Court asking \$300,000 damages from RKO Radio and Gene Towne, producer, charging violation of her privacy rights.

She claims the defendants persuaded her to pose as financially distressed in a newspaper story on a promise she would be given employment in "Tom Brown's School Days," which was not forthcoming.

Arthur Sawyer Here

Arthur H. Sawyer, president and general manager of Colonnade Pictures Corp., is here arranging for sound equipment and other details for the completion of studios at Miami, which will be ready for production in June. Sawyer will remain in town for about 10 days and has temporary offices with Arthur S. Friend in the RKO Building.

'Swiss Family' Pulls \$18,000, Los Angeles

LOS ANGELES, May 19.—"Swiss Family Robinson" and "The Lone Wolf Meets a Lady" drew \$9,000 at the Hillstreet and the same at the Pantages in a generally dull week. "Rebecca" took \$6,500 in its seventh week at the 4 Star.

Estimated takings for the week ending May 15:

"Gone With the Wind" (M-G-M)
 CATHAY CIRCLE—(1,518) (75c-1.50) 7 days, 20th week. Gross: \$10,200. (Average, \$17,000)
 "I Was an Adventuress" (20th-Fox)
 "Dr. Kildare's Strange Case" (M-G-M)
 CHINESE—(2,500) (30c-75c) 7 days. Gross: \$9,000. (Average, \$12,500)
 "Rebecca" (U. A.)
 4 STAR—(900) (40c-55c) 7 days, 7th week. Gross: \$6,500. (Average, \$3,250)
 "Swiss Family Robinson" (RKO)
 "The Lone Wolf Meets a Lady" (Col.)
 HILLSTREET—(2,700) (30c-65c) 6 days. Gross: \$9,000. (Average, \$6,500)
 "I Was an Adventuress" (20th-Fox)
 "Dr. Kildare's Strange Case" (M-G-M)
 LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$9,800. (Average, \$14,000)
 "Swiss Family Robinson" (RKO)
 "The Lone Wolf Meets a Lady" (Col.)
 PANTAGES—(3,000) (30c-65c) 6 days. Gross: \$9,000. (Average, \$7,000)
 "Buck Benny Rides Again" (Para.)
 PARAMOUNT—(3,595) (30c-65c) 7 days, 3rd week. Stage: F. & M. revue, Clarence Stroud, Garwood Van and orchestra. Gross: \$10,000. (Average, \$18,000)
 "Flight Angels" (W. B.)
 WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: \$7,000. (Average, \$14,000)
 "Flight Angels" (W. B.)
 WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: \$7,900. (Average, \$12,000)

Weigh Conciliation Reform for Canada

TORONTO, May 19.—A meeting of the Film Section of the Toronto Board of Trade has been called for next Wednesday to consider recommendations on clearance reform by a committee including M. A. Milligan, Paramount; Louis Rosenfeld, Columbia, and Nat Taylor, representing the independents.

The deliberations will affect the entire country. The organized independents want equal representation with exchanges and circuits on conciliation boards in six zones across the country. The Film Section includes distribution, circuit and independent executives.

'Irene' Milwaukee Leader with \$6,800

MILWAUKEE, May 19.—"Irene" and "Saturday's Children" were the week's best with \$6,800 at the Warner. Second money went to "Primrose Path" and "The Flying Deuces" at Fox's Palace with \$5,200.

Estimated takings for the week ending May 14-15:

"Primrose Path" (RKO)
 "The Flying Deuces" (RKO)
 PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$5,200. (Average, \$4,000)
 "Alias the Deacon" (Univ.)
 RIVERSIDE—(2,700) (25c-35c-40c), 7 days. Stage: Vaudeville. Gross: \$5,200. (Average, \$6,500)
 "The Man With Nine Lives" (Col.)
 "The Human Monster" (Mono.)
 STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$2,000. (Average, \$1,500)
 "Irene" (RKO)
 "Saturday's Children" (W. B.)
 WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$6,800. (Average, \$4,500)
 "Two Girls on Broadway" (M-G-M)
 "Dr. Kildare's Strange Case" (M-G-M)
 WISCONSIN—(3,200) (25c-35c-50c) 6 days. Gross: \$4,800. (Average, \$5,500)

Short Subject Reviews

"Unusual Occupations, L9-5"

(Paramount)

Subject matter here is principally on Gene Autry, the unusual aspect is his keen interest in horses, Western songs (which he also writes) and, in fact, nothing connected with his occupation of starring in Western films. Also shown are landscape drawings with natural materials, a wholesale house for stamps, the making of sarongs and the erection of a temple in Java. The short should prove interesting. Running time, 10 mins.

"Granite Hotel"

(Paramount)

Max Fleischer's conception of a stone-age hotel, its occupants, and how it functions, makes for cartoon fare up to par. A false fire alarm summons the "Dinosaur Fire Company," members of which wreck the hotel, leaving a bathing guest suspended at what was the fourth floor. Running time, 7 mins.

"A Kick in Time"

(Paramount)

A "Color Classic" from the Max Fleischer studios, this concerns the mule characters, Hunky and Spunky, newcomers to the cartoon field. The younger of the two, Spunky, is kidnapped, auctioned and maltreated by a junk dealer. He is rescued, however, by Hunky. Average running time, 7 mins.

"Playmates from the Wild"

(Paramount)

A Grantland Rice Spotlight featuring domesticated otter, this is mildly amusing rather than thrilling. The seal-like animals are shown with their trainer at play on Miami sands and in the water, encountering crabs, a snake and a skunk. Ted Husing narrated. Running time, 10 mins.

Allied Head Explains Lazarus Resigning

WASHINGTON, May 19.—The resignation of Henry Lazarus as a director of Allied States and president of Allied of Louisiana, was explained in telegrams to the trade press by Col. H. A. Cole, president of national Allied.

According to Cole, Mrs. Lazarus is interested in the Bryan Amusement Co., Bryan, Texas, which is booked by Jefferson Amusement Co., Paramount affiliate. An independent has built a theatre at College Station, six miles from Bryan, and is seeking a reduction of the 45 days' clearance Bryan has over it. Mrs. Lazarus appeared before the Allied board last week, according to Cole, and was told finally that the board could take no action. Cole expressed regret at Lazarus' sudden resignation.

Reissue 'West Wall'

The RKO short, "West Wall," first released last December, has been reissued for the local RKO circuit, opening in 41 houses, and for the RKO circuit nationwide later.

Showmanship Flashes

Classified Ad for Girls Is Used on 'Irene'

PROVIDENCE, May 19.—As part of the campaign on "Irene" at the RKO Albee, George E. French, manager, and William Morton, publicity man, used a classified ad in the *Journal* and *Bulletin* for several days in advance of the opening, offering free admission to "The first 25 girls appearing at the theatre on opening night in blue dresses."

Stagecoach, Parade Aid 'Command' Run

FALL RIVER, Mass., May 19.—William Canning, for his campaign on "Dark Command" at the Empire, had a stagecoach, with four horses, drive through the town, a fife-and-drum corps leading a group of Sons of Union Veterans, direct mail to Civil War Veterans organizations and ceremonies at the theatre opening night.

L. A. Paper Gives Page To 'Devil Pursued Her'

For "The Devil Still Pursued Her," produced by Franklin-Blank Productions for RKO release, the Los Angeles *Times* devoted the entire first page of the Sunday Drama Section. The caption called the film "An Exploitation Natural."

Private Film Bank Planned in Mexico

MEXICO CITY, May 19.—As present prospects are dubious of the Federal Government being able to make good its promise to establish a bank here to finance picture production, the founding of a bank on a private basis for the purpose is being arranged by Alberto J. Pani, former Minister of Finance and important capitalist who has had film experience; Jesus Grovas, producer-distributor, and Luis Legoretta, a banker.

This bank is expected to get going before Summer.

This city is soon to have a second grind film house for the exclusive exhibitor of shorts as F. Rothenstreich and Alfred Sender, newcomers among local exhibitors, are building such a theatre in what was the palace of Emperor Iturbide, dictator of Mexico for a short time in 1822, in the downtown sector.

'Buck Benny' Hits \$6,500, New Haven

NEW HAVEN, May 19.—"Buck Benny Rides Again," dualed with "Framed" at the Paramount, took \$6,500. "Till We Meet Again" and "The Dark Command" at the Roger Sherman drew the same.

Estimated takings for the week ending May 16:

"The Doctor Takes a Wife" (Col.)
"Two Girls on Broadway" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$2,100. (Average, \$2,700)
"Dr. Kildare's Strange Case" (M-G-M)
"One Million B. C." (U. A.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$5,200. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
"Framed" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$6,500. (Average, \$4,000)
"Till We Meet Again" (W. B.)
"The Dark Command" (Repub.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$6,500. (Average \$5,000)

Revival Programs Used By Toronto Neighborhood

TORONTO, May 19.—A "Revival Program a Month" is being featured by David Gordon, manager of the Oriole here, in which two popular features of past years are brought back for a regular engagement. The booking cost is low but the program, advertised as a revival bill, has had the effect of attracting patrons from all parts of the city to this neighborhood house in the North End of Toronto.

Tag Distribution Plugs 'Remember'

TORONTO, May 19.—For the picture, "Remember the Night," Manager T. Mascaro of the Capitol, Belleville, Ont., distributed a card similar to a luggage tag which bore the inscription, "Tie this on your finger so you'll . . . 'Remember the Night' at the Capitol."

Use Horoscope Display For 'Beyond Tomorrow'

Manager Lawrence Lehman of the Orpheum, Kansas City, tied in horoscope displays with the run of "Beyond Tomorrow." Such displays were used in Woolworth and Kresge stores and with these the picture's accessories were spotted.

Metro Signs Whiteman

HOLLYWOOD, May 19.—Paul Whiteman will play himself in M-G-M's "Strike Up the Band." Whiteman's band will not appear.

Denver Slow, 'Benny' Gets Fine \$14,000

DENVER, May 19.—"Buck Benny Rides Again" packed the Denham repeatedly and grossed a big \$14,000. No other bill did better than average.

Estimated takings for the week ending May 15:

"Till We Meet Again" (W. B.)
"Double Alibi" (Univ.)
ALADDIN—(1,400) (25c-40c) 7 days, "Till We Meet Again," 2nd week. Gross: \$3,500. (Average, \$3,500)
"Forty Little Mothers" (M-G-M)
"Two Girls on Broadway" (M-G-M)
BROADWAY—(1,040) (25c-35c-40c) 7 days, 2nd week. Gross: \$2,500. (Average, \$2,500)
"Buck Benny Rides Again" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: \$14,000. (Average, \$6,000)
"Johnny Apollo" (20th-Fox)
"Free, Blonde and 21" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$8,000)
"Irene" (RKO)
"Beyond Tomorrow" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$9,000)
"One Million B. C." (U. A.)
"Tear Gas Squad" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$4,000. (Average, \$3,500)
"My Son, My Son" (U. A.)
"Outside the Three-Mile Limit" (Col.)
RIALTO—(878) (25c-40c) 7 days, "My Son, My Son," 3rd week. Gross: \$1,750. (Average, \$1,750)

'Abner' Ostrow's First

HOLLYWOOD, May 19.—Lou Ostrow's Vogue Pictures, Ltd., will make a film based on "Lil' Abner," syndicated comic strip, as the first of four pictures for RKO release.

GERALD L. KAUFMAN
in ALBANY (N. Y.) TIMES-UNION

says

DARK COMMAND

"One of the most significant historical dramas of the year...a superlative cast carries the action along at a swift pace, and the thrill-seeker will find himself sitting on the edge of his seat most of the time."

RAOUL WALSH, Director

The story of
The BLACK KNIGHT of KANSAS

Ruthless killer, hunted outlaw . . . but a heroic cavalier to the women who loved him.

A REPUBLIC PICTURE

Lose Licenses on Failure to Report

Washington, May 19.—Recommendations of Commissioner George Henry Payne that the licenses of KTBC, Austin; KNET, Palestine, and KRBA, Lufkin, Tex., be revoked for failing to make full disclosures to the commission concerning the financing of construction and operation, and management, ownership and control, have been ordered affirmed by the Federal Communications Commission.

F. C. C. Authorizes Two New Stations

WASHINGTON, May 19.—The Federal Communications Commission has authorized the construction of a 1,310-kilocycle, 250-watt broadcasting station by the McDowell Service Co. at Welch, W. Va., and a 1,200-kilocycle, 250-watt station by the Tri-County Broadcasting Co. at DuBois, Pa.

Acting on applications before it, the commission authorized an increase in night power from 100 to 250 watts by KDAL, Duluth, Minn., and WSOY, Decatur, Ill., a change of frequency from 1,400 to 1,420 kilocycles and extension of time from day to unlimited by WHDL, Olean, N. Y., and an increase of power from 100 to 250 watts by KEUB, Price, Utah, and WSAV, Savannah, Ga.

Applications for an increase of night power from 1,000 to 5,000 watts were filed by WIS, Columbia, S. C., and for an increase of night power from 100 to 250 watts by KYUM, Yuma, Ariz.

21 Houses Opened In Ontario in Year

TORONTO, May 19.—With the license year for theatres in Ontario terminating May 31, a report issued by the Provincial Government shows that 21 theatres have been built during the 12 months, the net increase being 19 with a total of 391 theatres in operation. The totals for preceding years were: 1939, 372; 1938, 354, and 1937, 329, showing a steady increase for the past four years.

The number of public halls in which entertainment and transient film shows are presented has shown a steady decline. The licensed halls in 1937 totaled 3,344 but the total has dropped to 2,554, the decrease during the past 12 months being 182. The total of licenses for the recent years has also declined, the number now standing at 133 as compared with 234 one year ago and 326 in 1937.

File Stipulations on Indianapolis Fees

INDIANAPOLIS, May 19.—The city entered a general denial in Superior Court here of the Hollywood Theatre Corp. suit contesting legality of the \$100 annual theatre license fee. Attorneys agreed to file stipulations next week with Judge Russell J. Ryan and await his decision without calling a jury.

Remodel Marysville House

MARYSVILLE, Cal., May 19.—The National Theatre Syndicate plans to enlarge and remodel the Liberty here.

Off the Antenna

THE G. E. television station on Helderberg Mountain, near Schenectady, will not be ready for regular programming for at least another two months, it is learned. Although the engineers believe that their studio and transmitter is as good as any now transmitting regular television programs, they are working on a number of ideas aimed to improve reception. On weekends, the NBC programs are picked up and relayed to the upstate territory. Promptly, on Monday mornings the studios are taken apart and there is a frantic rush to get them back in shape by Friday.

In an effort to avoid the possibility that an editorial tone of voice may convey the impression that the news is prejudiced one way or the other, WMCA, over the weekend started a new policy requiring that all news periods and special bulletins must be read by any one of six selected announcers. The policy applies both to sustaining and sponsored newscasts. Commentators and analysts are, of course, excepted from this rule. Announcers selected for the morning shift include Alun Williams, Bob Harris and Don Cordray, with Sam Brown, Gene Morgan and George Bryan for the evening shift.

Peace Note: WBNX now broadcasts foreign language programs in Italian, German, Jewish, Ukrainian, Armenian, French and Spanish.

Purely Personal: E. P. H. James, NBC advertising manager, has prepared a chart showing the new time belts created by daylight saving time which he is distributing to baffled agency executives. . . . Major Edwin H. Armstrong, inventor of noiseless frequency modulation transmission, demonstrated the differences between AM and FM at the American Association of Advertising Agencies convention last week. . . . Sidney Strotz, vice-president in charge of the NBC central division, returned Friday to Chicago after a three-day visit here. Don Gilman, vice-president in charge of the Western division, will return to the Coast early this week. . . . Former Vice-President Charles G. Dawes, now a director of RCA and NBC, was an interested visitor at the NBC news room on Friday. . . . John McAllister, music director at WBT, Charlotte, N. C., has resigned to become general manager of WHKY, Hickory, N. C. . . . Dan McCullough, former Radio City page boy, now has a permanent assignment as announcer at WOR. . . . Michael Hinn, WLW news announcer, and Helen Dillar, vocalist on the same station, were married recently.

Programs: Starting Wednesday, George Hamilton Combs, Jr., WHN news commentator will be heard twice daily, at 7:30 P.M. and again at 9:55. . . . John Gunther will start a daily series of comment on foreign news over NBC-Blue tonight at 10. . . . General Mills will sponsor "By Kathleen Norris" over NBC-Red Mondays through Fridays at 10:45 A.M., beginning June 3. . . . CBS has added another five-minute news period at 9:25 A.M. Mondays through Fridays. . . . WMCA will originate 28 programs from the World's Fair this week.

KROD, El Paso, Texas, will join the Columbia network as the 119th affiliate on June 1. The station, operated by the El Paso Times, has 250 watts on 1,500 k.c. It will become part of the CBS mountain group with a basic rate of \$125 per evening hour.

With only two outside pickups scheduled for this week's television broadcasts, films will make up most of the programs. Studio presentations include variety shows tomorrow and Thursday and a drama, "The Barker," on Saturday night. Sports include the usual wrestling from the Jamaica Arena on Friday night and horse racing from Belmont Park Saturday. The four feature films for the week include "Murder at Midnight," with Aileen Pringle, Alice White and Hal Hamilton, tomorrow; "Torpedoed," with Noah Beery, H. B. Warner and Richard Cromwell, Wednesday; "Law and Lead," with Rex Bell, Thursday; and a "A Fire Has Been Arranged," with Flannegan & Allen, Friday.

WHN officials are still holding their heads as a result of the mixup on President Roosevelt's speech on Thursday. For five solid minutes they heard the President speak about national issues now outdated and heard him blandly refer to "tomorrow" as Labor Day. A belated checkup revealed that NBC, which was feeding the speech to WHN, was helping a professor in some scientific research on the President's voice. An old recording was being played and an NBC engineer erroneously plugged the wire to WHN. That station's engineer heard that "The next voice you will hear will come from the White House"—so he put it on the air.

Vaude in Rochester

ROCHESTER, May 19.—Vaudeville is being presented in four Schine neighborhood houses here. The Riviera and State include it on Friday nights, the Monroe and Dixie Saturday nights.

Sunday Law Invalid

NEWPORT NEWS, Va., May 19.—Judge Herbert C. Smith of the Corporation Court has ruled that the city cannot prosecute Karl Wolever, manager of the Paramount, for violation of the city Sunday closing law.

Mier in Havana

Fernando Mier, distributor for National Theatre Supply in Cuba and Mexico, with headquarters in New York, is visiting his Havana branch. Before returning here, he will also stop off at the Mexico office.

Open French Picture

Julien Duvivier's new French film, "La Charette Fantome" ("The Phantom Wagon") opened at the 55th St. Playhouse Saturday, following "The Mayor's Dilemma." Columbia is releasing the film.

Waldorf Sponsors Latin America Show

A second commercial program to Latin America has been obtained by the NBC international short wave division with the Hotel Waldorf-Astoria as the sponsor, it was announced yesterday by L. P. Yandell, director of international commercial broadcasting. The program will be heard 10:15-10:45 P.M. Tuesdays for 26 weeks, starting May 28.

Xavier Cugat's orchestra will finish the show and Alfredo Diez will announce in Spanish. Time costs are \$3,744 for the period. The Waldorf has set aside two floors exclusively for Latin American guests and, with the war in Europe, hopes to attract the tourist trade with the program. An interesting feature of the program will be the naming of prominent Latin Americans who are present during the broadcast for the benefit of the listening audience.

NBC officials are elated at the progress in the sale of short wave time, as it represents the opening of a new field. Efforts are being concentrated now on the sale of the second Louis-Godoy fight.

Canadian Pioneers' Officers Are Named

TORONTO, May 19.—The following trade veterans have been named as officers of the Canadian Picture Pioneers, to serve until a general meeting is held in Toronto next August.

President, Clair Hague, Canadian Universal; vice-president, Oscar Hanson, Empire Films; secretary-treasurer, Ray Lewis; directors, L. M. Devaney, RKO Distributing Corp. of Canada; J. P. O'Loughlin, 20th Century-Fox; Sam Sternberg, B. & F. Theatres; Louis Rosenfeld and Herbert Allen, Columbia; E. H. Wells, Canadian Film Boards of Trade; H. M. Masters, United Artists Corp.; Charles Stephenson, Ben Cronk, Fred Pursel, A. J. Laurie, Sidney Taube and J. Smith, Jack Cohn, vice-president of Columbia, has been named honorary president. Qualification for membership in the Canadian Picture Pioneers is 25 years' active service.

Nolan, Lieber Due For RKO Convention

J. J. Nolan, vice-president in charge of RKO studio operations, and Perry Lieber, head of the studio publicity department, will arrive from the Coast on Friday to attend the RKO annual sales convention at the Waldorf-Astoria, beginning May 27.

Pa. County Bans Games

UPPER DARBY, Pa., May 19.—Bingo and Bank Night in Delaware County have been ordered stopped in theatres and churches by Acting District Attorney Henry G. Sweney. Only two theatres in the county run Bingo, but Bank Night is spread among the motion picture houses in the county. It is understood that Sweney will permit theatres to dispose of their accumulated sums in one final night.

Air Shipments Gain

March air express shipments in the nationwide service of the Railway Express Agency totaled 84,336, an increase of 18.76 per cent over March, 1939.

Alert.

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First in
Film and
Radio News
Brief,
Accurate
and
Impartial

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NEW YORK, U.S.A., TUESDAY, MAY 21, 1940

TEN CENTS

Neely Bill Aid To Business, Hearing Told

Samuelson and Chadwick Urge Its Passage

WASHINGTON, May 20.—The Neely bill introduces nothing that is new in the industry but merely proposes to restore the competition and identification of pictures which prevailed in the late twenties, Sidney E. Samuelson, Allied States leader and former New Jersey exhibitor, told the House Interstate and Foreign Commerce Committee, today, as hearings on the Neely bill entered a second week.

I. E. Chadwick, independent producer, who also spoke in favor of the bill, declared that passage of the measure would result in the return of many independent producers.

Samuelson said that independent exhibitors are prepared to pay higher prices for pictures if they can get what they want and, if the Neely bill is enacted, will be willing to take a

(Continued on page 19)

New Films Start Well on Broadway

New films opened strong on Broadway over the weekend, although business among first runs generally continued off. The World's Fair proved a strong attraction in its second weekend.

"Lillian Russell," with a stage show at the Roxy, led the parade with an estimated \$31,000 for its first three days. At the Strand, "Torrid Zone" with Sammy Kaye's band on the stage was good for an estimated \$27,000.

In its second week at the Music Hall, "My Son, My Son!" with a stage show drew an estimated \$43,000 for four days. Despite the addition of

(Continued on page 21)

Kennebeck Far East Paramount Manager

Frank Kennebeck, Paramount manager in India for many years, has been named manager for the Far East. Announcement of the appointment will be made at the company's sales meeting in Los Angeles this weekend.

Kennebeck succeeds Charles Balance, who resigned several months ago due to ill health. Kennebeck recently arrived on the Coast from India to attend the Paramount sales convention and to confer there with John W. Hicks, Paramount vice-president and foreign manager, who left for the Coast yesterday.

Egypt and Singapore Propose U. S. Film Revenue Restrictions

Egypt and Singapore have advanced proposals for currency withdrawal restrictions by American film companies, according to word received yesterday by home office foreign departments.

The two markets together account for about \$2,000,000 annually of the American industry's foreign revenue, it is estimated.

Indications are that negotiations to determine the amounts of withdrawals to be authorized will be instituted at once, probably through American trade attaches at Alexandria and Singapore.

Negotiations with France on future currency withdrawals from that country have not reached a decisive stage yet. Counter proposals are understood to be in preparation by Continental European managers of the American companies for submission to the French Government in the near future.

Hear Goldwyn U.A. Appeal This Week

PHILADELPHIA, May 20.—The appeal of Samuel Goldwyn from the order of the Wilmington Federal District court dismissing his civil action against United Artists for alleged breach of contract is scheduled to be heard this week by the U. S. Circuit Court of Appeals here.

Max D. Steuer of New York and the Wilmington law firm of Southerland, Berl, Potter and Leahy will represent Goldwyn. Senator George Wharton Pepper of this city and the Wilmington firm of Richards, Layton & Finker will represent United Artists.

The lower court dismissed the case on the ground that Goldwyn, seeking a declaratory judgment that his contract had been breached, had failed to include Alexander Korda and Douglas Fairbanks as defendants after alleging that they had received distribution privileges not accorded the plaintiff.

Allport Quits Rome; No Action Is Taken

LONDON, May 20.—F. W. Allport, European representative of the M.P.P.D.A., arrived here today from Rome, with no final action taken on the proposals for American distributors' possible reentry into the Italian market. The Italian Government is studying distributor proposals.

Further meetings may be necessary on American proposals and Italian counter-proposals. Allport spent two weeks in Rome. Future international developments, also, are seen as having a bearing on the result.

The basic changes sought by the American companies as a condition of resuming business in Italy, it is understood, concern the withdrawal of some portion of their Italian revenue and a voice in the management of whatever organization or organizations which may be designated to handle the distribution of their product in Italy.

Blumberg Indicates Closer Tie for 'U' Studio, Sales

CHICAGO, May 20.—A closer alliance between the Universal studio and its sales organization is warranted as a result of progress made by the company during the past two seasons, Nate J. Blumberg, Universal president, told the company's Western sales forces at their three-day convention which was concluded at the Congress Hotel here today.

Blumberg, presenting an analysis of the company's accomplishments, pointed out all that was attributable to the sales organization. Much of this, he said, resulted from cooperation between the sales department and the studio, and he indicated that an even

closer alliance between the two is desirable.

The meeting also was addressed by W. A. Scully, general sales manager, who reported a 46 per cent increase in the company's business during the 19 weeks of the Scully Sales Drive. J. Cheever Cowdin, chairman of the board, detailed the financial benefits to the company of the increased sales.

Other speakers were Cliff Work, studio head; Matthew J. Fox, Blumberg's assistant at the studio; Jules Levey and Jack Skirball, producers; W. J. Heineman, Western sales manager; Joseph H. Seidelman, vice-president and foreign head, and F. J. A. McCarthy, Eastern sales manager.

Talk of Trust Suit Settlement Still Persists

Three Firms Believed Considering Decree

WASHINGTON, May 20.—Talk of an out-of-court settlement of the pending film anti-trust suit in New York still persists in certain high Government circles. Responsible officials here assert that even if all the defendants do not favor a consent decree, some are ready to consider a settlement apart from the other defendants.

Loew's and Warner Bros. are described as not having changed their views in favoring an out-of-court settlement. Also, there have been expressions made in responsible Government circles that 20th Century-Fox is not altogether opposed to a "reasonable" settlement.

It is the Department of Justice, according to responsible Washington authorities, which must be won over to a consent decree, and these persons believe that this might yet occur.

In the face of the Government's need for unity from all industry in the present national defense program, there are authorities in the Capital who feel that this is not time to wage a long and costly Government suit, if the case can be properly settled out of court.

File Exceptions in B & K Decree Case

CHICAGO, May 20.—Exceptions to the findings of Master in Chancery Edgar Eldredge that Balaban & Katz and Paramount had violated the 1931 Federal consent decree were filed in Federal court here today.

The exceptions sought to show that B. & K. had not overbought during the 1936-'37 season but had contracted only for a reasonable product supply. Eldredge's report, made public on April 29, found B. & K. guilty of violating Paragraph 10 of the consent decree, relating to restraint of trade in first run exhibition through overbuying.

Paramount, as the B. & K. parent company, was found guilty jointly.

After studying the exceptions and, possibly, ordering additional briefs or testimony, Eldredge is expected to issue a supplementary report, following which the case will be set for hearing in the Federal District court here.

Metro Holds Final Meeting in Capital

WASHINGTON, May 20.—M-G-M opened the fourth and last of its regional sales conventions at the Shoreham Hotel here today. The two-day session is presided over by William F. Rodgers, general sales manager, and T. J. Connors, Eastern sales manager.

Also present from the home office are Edwin W. Aaron, assistant to Rodgers, and Charles Deesen and Harold Postman, assistants to Connors.

Eight Branches Represented

Sales staffs from eight exchanges are present, including the following:

Atlanta: Charles E. Kessnich, district manager; Roy Avey, branch manager; Louis C. Ingram, Lafayette B. Butler, Charles F. McGuire, Joseph Markowitz.

Dallas: Leroy Bickel, branch manager; Charles D. Lyne, Clyde W. Houston, Louis J. Weber, Roland G. Taylor.

Memphis: Jay F. Willingham, branch manager; Maurice L. Basse, Jacques C. Reville.

New Orleans: Clarence J. Briant, branch manager; Virgil H. Bridges, Gerard Hirsch.

Oklahoma City: William B. Zoellner, branch manager; James N. Byrd, H. Russell Gaus.

Cincinnati: Edwin M. Booth, branch manager; John S. Allen, William A. Carroll, Jacob M. Jacobs, William F. LaSance, Harry J. Sheeran.

Cleveland: Frank D. Drew, branch manager; Edwin H. Brauer, Jack Sogg, Bryan D. Stoner.

Pittsburgh: John J. Maloney, district manager; Burtus Bishop, Jr., branch manager; Saal Gottlieb, Harry H. Fendrick, Milton Brauman, Jacob B. Mundstuk, Theodore S. David.

Philadelphia: Robert Lynch, branch manager.

Boston: Maurice N. Wolf, district manager.

New York: Edward K. O'Shea, district manager.

Personal Mention

CHARLES E. MCCARTHY, director of advertising and publicity for 20th Century-Fox, left by plane for the Coast yesterday.

EMANUEL SILVERSTONE, ARTHUR SILVERSTONE, RUBE JACKTER, LOU WEINBERG and SOL EDWARDS lunching at Lindy's (next to the Rivoli) yesterday.

SPYROS SKOURAS, head of National Theatres; PETER LEVATHES, assistant to SKOURAS, and ED ZABEL, executive film buyer for the circuit, returned from the Coast yesterday.

HOWARD STRICKLING, M-G-M studio publicity head, has returned to the Coast.

CLARENCE BROWN, M-G-M director, returned to the Coast after attending the "Edison, the Man," premiere in the East.

HARRY BRANDT, CAPTAIN MATT GOODMAN, ARTHUR GOTTLIEB and WILLIAM BRANDT at Lindy's (51st St.) for lunch yesterday.

JOE AMSTED, manager of the Elm Street, Worcester, will spend a three-week vacation in California.

LEON NETTER and LEONARD GOLDENSON, Paramount Theatres officials, will leave for Scranton today to confer with FRANK C. WALKER on Paramount-Comerford affairs. They are due back here the end of the week.

WILLIAM A. ORR, assistant to J. ROBERT RUBIN, vice-president and general counsel, has been elected president of the Society of Silurians, veteran New York newspaper writer organization.

HARRY F. SHAW, Loew-Poli division manager at New Haven, was presented with a projector and tripod by his staff on his 16th wedding anniversary last week.

STANTON GRIFFIS, AUSTIN KEOUGH, LEONARD GOLDENSON, LEON NETTER, TOM FIZDALE, AL WILKIE, LEE SCHUBERT, ARTHUR M. LOEW, SAM ROSEN, SIDNEY PHILLIPS, MORT SPRING, DAVE BLUM, WILLIAM MELNIKER, JOSEPH ROSTHAL and LOUIS PHILLIPS lunching at Sardi's yesterday.

SAM KATZ, CHARLES E. MCCARTHY, GEORGE SKOURAS, WILLIAM ORR, JOHN W. HICKS, RUSSELL HOLMAN and ERNO RAPEE at Nick's Hunting Room in Astor for lunch yesterday.

RKO Names 2 New Canada Managers

Mark Plottel, former manager of the RKO Montreal branch, was appointed manager of the Toronto exchange, succeeding J. F. Meyers, resigned, by Ned E. Depinet, RKO vice-president and distribution head, yesterday.

Hatton F. Taylor, Calgary branch manager, has been named manager at Montreal succeeding Plottel, and Joseph McPherson, Calgary sales man, has been named manager of the Edmonton branch.

In addition to these changes, Paul Cardell, formerly Calgary booker, has been added to the sales staff there, and Hugh Conway, Winnipeg booker, has been promoted to the sales staff. Robert Radis has been named Winnipeg booker.

Capra Reelected President of SDG

HOLLYWOOD, May 20.—Frank Capra was reelected president of the Screen Directors Guild for a third term last night. Ernst Lubitsch and George Marshall were elected vice-presidents, Garson Kanin secretary, and Phil Rosen reelected treasurer.

Others elected to the board of directors were Frank Borzage, John Cromwell, Victor Fleming, Tay Garnett, Henry Hathaway, William A. Seiter, George Stevens, Frank Strayer, Norman Taurog, King Vidor and William Wyler.

Watchman Killed as Albany House Burns

ALBANY, May 20.—Albert Crier, for 35 years doorman and watchman at the Harmanus Bleecker Hall, was killed by a falling wall early today as fire destroyed the famous old theatre. Louis R. Golding, Fabian district manager; George Seed, manager, and Oscar Perrin, assistant manager at the Grand, narrowly escaped injury.

The theatre, once owned by F. F. Proctor and later operated by the Shuberts, is owned by Christopher H. Buckley of Bennington, Vt., and was leased in 1935 to the Fabian Circuit for 21 years at a reported annual rental of \$50,000. The loss was estimated unofficially at \$150,000. Fire Chief Fleming and three firemen were hurt during the spectacular blaze.

Crier, who discovered the fire shortly after midnight, was standing with Golding and the others when a wall started to fall. Crier ran in one direction and the others in another. His body was not found until early this afternoon.

U. A. Group Leaving For 'Town' Opening

Sol Lesser, Al Margolies, Louis Hyman, Thornton Wilder, Frank Craven and Fay Bainter will leave for Boston tonight in connection with the premiere there Thursday of Lesser's new production, "Our Town."

Tomorrow, Harry L. Gold, Charles Stern, Lynn Farnol and Monroe Greenthal will leave for Boston to remain for the premiere.

Danz's Manager Killed

SEATTLE, May 20.—Nicholas Allerman, 55, manager of John Danz's Palomar Theatre, was instantly killed when run over by a truck while unloading scenery at the theatre warehouse. He is survived by his widow.

Coast Flashes

HOLLYWOOD, May 20.—Jack Warner, Warner production chief, has decided to reissue "Confessions of a Nazi Spy" with a new ending, bringing it up to date with "Fifth Column" activities.

Roy Rogers today filed suit in Superior Court asking \$150,000 damages against Republic, claiming his name was used by one Leonard Slye in "Billy the Kid Returns" and "Under Western Stars." The suit is identical with one filed two years ago and settled out of court by one Roy Rogers.

J. J. Nolan, RKO vice-president, and Perry Lieber, studio publicity director, leave tomorrow for the company's New York convention.

Arthur Eddy, former New York trade paper man, has severed his connection with Warners' studio publicity department.

Plans Completed for United Appeal Lunch

The executive committee of the Amusement Division of the United Jewish Appeal completed plans for Thursday's annual charity luncheon at the Astor, at a meeting at the hotel yesterday. David Bernstein and Major Albert Warner, co-chairmen of the division, presided.

Among those present were: Howard Dietz, Mort Blumenstock, Harry H. Buxbaum, Max A. Cohen, Samuel Rinzler, Abe Schneider, Joseph Lee, Leon Goldberg, Arthur Israel, Leopold Friedman, B. S. Moss, Sam Shain, David Weinstock, Milton Maier, A. P. Waxman, Bert Lebar, Herbert I. Rosenthal and Max Seligman.

Philip Semmelroth Dies

DAYTON, O., May 20.—Philip Semmelroth, 56, head of the Semmelroth circuit, operating the Wayne, Sigma, Federation, Riverdale, Peoples and Park, local suburbans, and the Ohio, at nearby Franklin, died at his home here late last week, following a two and one-half year illness. His widow and a sister survive.

Paramount News Special

Paramount News yesterday released a special war issue a day in advance of regular schedule, featuring European war developments in Belgium and the North Sea. Included was a clip devoted to the President's plea for national defense.

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THE CONTINENTAL
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20th

**CENTURY-FOX FILM
CORPORATION**

**PRODUCT
ANNOUNCEMENT**

for

1940-41

At a time when great pictures are more than ever necessary for the continued prosperity of our industry, Twentieth Century-Fox Film Corporation takes pride in announcing its production program for the season 1940-41.

We expect to release 52 feature pictures; and, for exhibitors throughout the world, it is of the utmost importance to note that with leading foreign markets destroyed or weakened by war or currency restrictions, this Company has made no curtailment in its production budget. In our opinion this is the only policy which can assure to theatre operators and ourselves the quality of pictures which is vital to progress and profitable operation.

From the stories and with the stars, players and directors listed on the following pages will come the great majority of the productions released by this Company next season. Because of circumstances which nobody now can foresee, some of these stories may not be produced—in

their final form some may not measure up to our hopes, others may be replaced with timelier, more important subjects. In every case, however, where a change is made, it will be done solely to improve the program.

In listing the personalities for our product, as well as directors, we name only those who are under contract to this Company or whom we have already borrowed from other producing companies. As in the past, however, we expect to use additional boxoffice names not now ready for announcement.

Twentieth Century-Fox is proud in the knowledge that as of today we have on our books more accounts than ever before in the history of this Company. To our customers throughout the world we present this program which we sincerely believe to be the greatest and most forward-looking list of pictures we have ever had.

Twentieth Century-Fox Film Corporation

52

FROM 20th CENTURY-FOX FOR 1940-41

...of which 26 will be produced from the following stories, or others timelier and greater...all on a scale worthy of these extraordinary properties!

BRIGHAM YOUNG

Tremendous, human—being produced on a heroic scale. The cast already includes TYRONE POWER, LINDA DARNELL, DEAN JAGGER (brilliant Broadway star), Jane Darwell, John Caradine, Brian Donlevy, Mary Astor, Vincent Price. Written by Louis Bromfield ("The Rains Came"). Screen play by Lamar Trotti, author of "In Old Chicago." Directed by Henry Hathaway. To be launched with the greatest nationwide promotion 20th ever gave a picture.

DOWN TO THE SEA IN SHIPS

Without a doubt the greatest sea story ever written! Set for the spectacular top-budget production its scope demands. Directed by Henry King.

HOW GREEN WAS MY VALLEY

Today's runaway best-seller! The story property of the year! Richard Llewellyn's powerful, emotional novel will receive a production that assures it a place among the great pictures of all time. Directed by John Ford.

TIN PAN ALLEY

A lavish and magnificent musical on the scale of "Lillian Russell"—in the romantic setting where are born the songs the whole world sings and plays and remembers.

BROOKLYN BRIDGE

TYRONE POWER . . . ALICE
FAYE . . . DON AMECHE . . .
HENRY FONDA . . . LINDA
DARNELL . . . EDWARD
ARNOLD! New York during the
decade that transformed it from
an ordinary seaport to the world's
greatest metropolis!

WESTERN UNION *by Zane Grey*

Words of meaning to every American, and in them Zane Grey found his last and greatest story. The epochal spanning of our continent by wire—a vital lifeline to the nation torn asunder by the fury of the Civil War. A production of maximum importance and showmanship opportunity.

THE GREAT PROFILE

Adolphe Menjou
plays the title role.

THE RETURN OF FRANK JAMES

In Technicolor

Boxoffice successor to "Jesse James," unanimously acknowledged 1939's biggest money-maker. HENRY FONDA plays the title role. Others already cast are Andrea Leeds, Henry Hull, Jackie Cooper, John Carradine, Donald Meek, J. Edward Bromberg, Eddie Collins. A top-profit certainty, made in response to unprecedented audience demand. Directed by Fritz Lang.

SGT. SAM DREBEN, U. S. A.

The unparalleled adventures of Fighting Sam Dreben, named by General Pershing "a one-man army." Vital and colorful, his thrill-packed story receives merited big-scale handling! Story by William Anthony McGuire. Directed by John Ford.

DOWN ARGENTINE WAY

In Technicolor

The stand-out musical of 1940-41. Starring ALICE FAYE, DON AMECHE . . . and introducing tantalizing, torrid-voiced CARMEN MIRANDA of "Streets of Paris," Broadway hit that was her personal triumph. Songs by Mack Gordon. Directed by Irving Cummings.

HIGHWAY 66

The route that "The Grapes of Wrath" made immortal becomes the scene of another powerfully realistic drama . . . doubly boxoffice because of its association in the minds of movie-going millions with the sweepingly successful Steinbeck masterpiece.

5th AVENUE

The brilliant new novel by Polan Banks. A story of the five decades from the glittering nineties to now. Definitely important boxoffice.

THE GREAT COMMANDMENT

Its greatness given even more powerful impact by its astounding parallel to the happenings of our own times. Spectacular drama of a crushed and helpless people during the last days of Christ. The matchless might of Roman arms . . . countless legions and fearsome war chariots plunging resistlessly through enemy hosts. And through it all a truly inspiring love story. **TYRONE POWER** and **LINDA DARNELL** head the impressive cast!

SONG OF THE ISLANDS

Seldom has a story locale lent itself to such spectacular production. Visually, arrestingly different drama of Hawaii's vast plantations . . . sensationally climaxed by a hurricane-driven, cane-field fire that threatens the island and its people with flaming destruction!

CHAD HANNA

The newest and greatest novel by the famous author of "Drums Along the Mohawk," **Walter D. Edmonds**! One of 20th's most important story acquisitions—already sweeping to the top of the book lists—acclaimed a "sure-fire, big-time best seller"! The exciting, warming, human story in which young **Chad Hanna** figures will be an unforgettable picture . . . produced with all the sweep and scope it merits!

HUDSON'S BAY COMPANY

Drama at its mightiest . . . sweeping from the gay, dissolute court of England's **Charles II** to the remotest outposts of the savage Canadian Northland . . . depicting the London Plague and Fire, notorious **Nell Gwyn**, high intrigue, heart-stirring forest adventure. Story by **Lamar Trotti**.

I MARRIED A NAZI

The sensational **Liberty Magazine** serial that created a national furor . . . relating the amazing, unforgettable experiences of a young American woman, plunged into the Nazi reign of terror. **JOAN BENNETT** will co-star with **RICHARD GREENE**. **GEORGE SANDERS** also has an important role. Front-page impact, record grosses.

BELLE STARR

The fiery, high-born Southern beauty who became history's most notorious woman outlaw when carpet-baggers pillaged her family's fortune and Yankee troops murdered her father. Tempestuous romance, blazing with thrill and adventure. Story by Nunnally Johnson. **ALICE FAYE** will play the title role.

BROTHERS

Moving human drama of two brothers, bred in the teeming waterfront of today's San Francisco, and the girl they both loved. To be cast with three great stars!

DOWN ON THE WABASH

(TENTATIVE TITLE)

The realistic story of a young, small-town banker whose faith in himself and his fellow-men caused him to revolt against the powers throttling the community that was his home. Rich in young and mature love . . . electrifying in its explosive surprise climax.

RED CROSS NURSE

No more vital theme has ever inspired a great picture. Courage and sacrifice against a thrilling panorama of hurricanes, floods, Arctic storms, mine disaster. Alive with heart-lift, showmanship wallop.

Elsa Maxwell's PUBLIC DEB No. 1

(TENTATIVE TITLE)

Keyed to today's smartest comedy vogue! With famed Elsa Maxwell showing how debs tick and click. Co-starring **LINDA DARNELL**, **GEORGE MURPHY**, with Charles Ruggles, Ralph Bellamy, Mischa Auer, Berton Churchill, Franklyn Pangborn, Maxie Rosenbloom. Directed by Gregory Ratoff.

Irving Berlin's SAY IT WITH MUSIC

The "Alexander's Ragtime Band" of 1940-41! The great romance of the glamorous, fantastic 1920's . . . keyed to a title of incalculable value. Six new Irving Berlin hits will be added to his finest melodies of that incredible decade. Outstanding cast and production further insure the importance of this attraction. A showmanship show!

THE CALIFORNIAN

Turbulent, action-crammed drama of California's most romantic days. Blazing with the reckless deeds of a mysterious caballero whose daring forays terrorized the tyrant clique despoiling the country and its people. TYRONE POWER heads a spectacular cast.

THE KHYBER PASS

A cut in the mountains which today holds the fascinated attention of the world. The great story of the historic gateway to the wealth of India.

YOUNG PEOPLE

SHIRLEY TEMPLE, JACK OAKIE, CHARLOTTE GREENWOOD! The tumultuous and exciting cavalcade of a vaudeville child-star's rise, bringing back to you memorable highlights of Shirley's own spectacular career . . . featuring Gordon & Warren's best songs ever and a top-name cast. Directed by Allan Dwan.

STUDIO CLUB

Drama spotlighting the fascinating lives and careers of the world's most gorgeous girls . . . famed even in Hollywood for their loveliness! Revealing their ambitions, heart-breaks, loves, schemes! A story thrilling and unusual!

SUN VALLEY

Playground for the wealth and aristocracy of all the world . . . the internationally-famed headquarters for winter sports becomes the scene of SONJA HENIE'S most dazzling and enthralling picture. An exploitation natural of naturals.

YESTERDAY'S HEROES

William Brent's sensational Saturday Evening Post serial. A daringly new kind of football story showing the bitter disillusion of proud grid stars, when the high-pressure college "system" has used them up and their fame is forgotten. Packed every second with scoring punch.

LADIES OF THE ROAD

Hitch-hiking along the nation's highways . . . riding the rods of the transcontinental freight trains . . . a strange new class of itinerants confronts America! Their story will be screened in all its drama and timeliness!

DANCE HALL

Adapted from W. R. Burnett's powerful novel of young people in the steel towns. To be made with the same daring realism that characterized "The Grapes of Wrath."

LUCKY BALDWIN

The stirring, spectacular glorification of a great legend! What "Kentucky" did for Kentucky horse-racing, this will do for golden California and its same sport! And against this vivid background—the strange, dramatic and eventful life of the Far West's most colorful character! Of foregone appeal to every entertainment lover!

UNCENSORED

The absorbing adventures of London's gayest master-crook. Suspenseful audience dynamite!

MAN HUNT

Geoffrey Household's best-selling, super-thrilling novel of a big-game hunter who single-handed goes after the biggest game of all—a world-hated dictator!

... and

26

OTHER FEATURES

including

4 JANE WITHERS Comedies
4 CISCO KID Adventures

THE PRODUCING ORGANIZATION

JOSEPH M. SCHENCK

Chairman of the Board

DARRYL F. ZANUCK

Vice-President in Charge of Production

WILLIAM GOETZ

*Vice-President and Executive Assistant
to Darryl F. Zanuck*

SOL M. WURTZEL

Executive Producer

Associate Producers

Harry Joe Brown
Ralph Dietrich
Raymond Griffith
Fred Kohlmar
Lucien Hubbard
Nunnally Johnson
Gene Markey
Walter Morosco
Kenneth Macgowan
John Stone

Directors

Otto Brower
David Burton
Irving Cummings
Allan Dwan
John Ford
Eugene Forde
Henry Hathaway
Henry King
Walter Lang
Fritz Lang
Archie Mayo
Irving Pichel

Gregory Ratoff

Shepherd Traube

Writers

Jack Andrews
Michael Blankfort
Edwin Blum
William Brent
Harold Buchman
Dana Burnet
Niven Busch
Robert Carson
Roy Chanslor
Wm. Conselman, Jr.
Irving Cummings, Jr.
William Drake
Albert Duffy
Philip Dunne
Robert Ellis
Sam Engel
Don Ettlinger
Ruth Fasken
J. Taintor Foote
Jules Furthman
Oliver Garrett

Sam Hellman

Ethel Hill

Robert Hopkins

Lee Katz

Fidel La Barba

John Larkin

Hilary Lynn

Helen Logan

Wm. A. McGuire

Frank S. Nugent

John O'Hara

Ernest Pascal

Liam O'Flaherty

Stanley Rauh

Sidney Sheldon

Milton Sperling

Lamar Trotti

Jack Vernon

Darrell Ware

Karl Tunberg

E. E. Verdier

Helen Vincent

Robertson White

Lester Ziffren

THE STARS AND PLAYERS

20th Century-Fox lists on this page only those personalities now under contract. Other established names will be added as casting needs arise. And 20th is making extensive plans for the discovery and development of new talent.

Katharine Aldridge

Don Ameche

Dana Andrews

Lionel Atwill

Binnie Barnes

Anne Baxter

Lynn Bari

Dorris Bowdon

John Carradine

Marguerite Chapman

Ricardo Cortez

Eddie Collins

Bob Conway

Linda Darnell

Jane Darwell

Joan Davis

Alice Faye

Henry Fonda

Virginia Gilmore

Betty Grable

Richard Greene

Charlotte Greenwood

Mary Healy

Sonja Henie

Mary Beth Hughes

Dean Jagger

Brenda Joyce

Arline Judge

Nancy Kelly

Elyse Knox

Robert Lowery

George Montgomery

Chris-Pin Martin

Ted North

John Payne

Tyrone Power

Ragnar Qvale

Gregory Ratoff

Lynne Roberts

Jean Rogers

Cesar Romero

George Sanders

Randolph Scott

Robert Shaw

Robert Sterling

Frank Swann

Shirley Temple

Ann Todd

Sidney Toler

Joan Valerie

Marjorie Weaver

Arleen Whelan

Jane Withers

Sen Yung

SHORT PRODUCT

26 ONE-REEL SUBJECTS IN SIX DIFFERENT SERIES, PRODUCED BY TRUMAN TALLEY

LOWELL THOMAS' MAGIC CARPET OF MOVIE TONE

TECHNICOLOR will be used for the first time for some of this series. Without question the finest in its field, popular with showmen and audiences alike, its off-the-beaten-path subject material dramatized by the keen, incisive narration of Lowell Thomas . . . top-ranking commentator of them all.

ED THORGERSEN'S SPORTS REVIEWS

Authoritative, behind-the-scenes glimpses of America's popular enthusiasm . . . Sports! Narrated by the man who knows the "inside story". . . and enhanced, when deemed effective, by TECHNICOLOR.

LEW LEHR'S DRIBBLE-PUSS PARADE

The screw-ball tangents of American life enlarged and enlivened by the comment of screen and radio funnyman, Lew Lehr.

ADVENTURES OF A NEWSREEL CAMERAMAN

An attraction that thrills as only the real thing can! Heightened in suspense and highlighted by the dramatic narration of famed announcer Paul Douglas.

VYVYAN DONNER'S FASHION FORECASTS

In TECHNICOLOR! The most talked-about reel of all . . . the most exploitable subject on the screen. Smart . . . timely . . . lavishly produced . . . the absolute tops in feminine appeal—and the men go for it, too. Doubly enlivened by the sparkling comment of Ilka Chase.

FATHER HUBBARD'S ALASKAN ADVENTURES

This new and popular series continues . . . with the Glacier Priest's cameras exploring Nature's most amazing phenomena! Highlighted by exciting cross-fire narration between Lowell Thomas and Father Hubbard.

. . . and . . .

26 ONE-REEL TERRY-TOONS... 10 OR MORE IN TECHNICOLOR... PRODUCED BY PAUL TERRY

Already in top poll brackets, Terry-toons is geared to deliver even finer product this season—with 10 or more of its 1940-41 releases in TECHNICOLOR!

MOVIETONE NEWS

ISSUED TWICE EACH WEEK

Published and Distributed in 50 Different
Countries and 19 Different Languages!

There's a Maginot Line in France!
There's a Siegfried Line in Germany!
But there's a Movietone News Line all
around the world! . . . an unparalleled
corps of cameramen, editorial special-
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on in these eventful times! Now, more
than ever, it is of the utmost importance
that your theatre secure the news protec-
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TRUMAN TALLEY

Producer

LOWELL THOMAS

Chief Commentator

EDMUND REEK

General Manager

LEW LEHR

Humor

ED THORGERSEN

Sports Commentator

RUSSELL MUTH

European Director

VYVYAN DONNER

Fashion Editor

HELEN CLAIRE

Fashion Commentator

FIRST QUARTER RELEASES

1940-41

(TENTATIVE)

<i>Release Date</i>	<i>Production</i>
August 2	THE GREAT PROFILE
9	STREET OF MEMORIES
16	BRIGHAM YOUNG
23	GIRL FROM AVENUE A (starring Jane Withers)
30	I MARRIED A NAZI
September 6	PIER 13
13	THE RETURN OF FRANK JAMES (in Technicolor)
20	CISCO KID adventure
27	PUBLIC DEB No. 1 (Tentative Title)
October 4	CHARLIE CHAN IN A WAX MUSEUM
11	DOWN ARGENTINE WAY (in Technicolor)
18	TITLE TO COME
25	THE GREAT COMMANDMENT



JOSEPH M. SCHENCK
Chairman of the Board

SIDNEY R. KENT
President

48 Films Now In Production As Nine Start

HOLLYWOOD, May 20.—Forty-eight pictures were before the cameras this week, as nine started and seven finished. Twenty-four were being prepared, and 64 being edited.

The tally by studios:

Columbia

Finished: "Out West with the Pipers."

In Work: "Arizona," "The Howards of Virginia," "Blondie Has Servant Trouble," "Girls of the Road," "The Durango Kid."

Started: "Griboville," "Military Academy."

M-G-M

In Work: "Boom Town," "Strike Up the Band," "I Love You Again," "Gold Rush Maisie," "I Do," "One Came Home," "Escape."

Monogram

Started: "The Last Alarm."

Paramount

Finished: "North West Mounted Police," "A Night at Earl Carroll's."

In Work: "Texas," "Rangers of Fortune," "Dancing on a Dime," "Comin' Round the Mountain," "Mystery Sea Raider," "Rhythm on the River," "Victory."

Started: "Doomed Caravan."

RKO

Finished: "Mr. Christian's Diet."

In work: "Lucky Partners," "Have It Your Own Way," "Dreaming Out Loud," "Stage to Chino."

Republic

Started: "The Fighting Marshal," "The Girl from God's Country," "Scatterbrain."

Hal Roach

In Work: "Captain Caution."

Edward Small

Finished: "South of Pago Pago."

20th Century-Fox

In Work: "Brigham Young," "The Return of Frank James," "I Married a Nazi."

Started: "The Bride Wore Crutches."

Universal

Finished: "The Boys from Syracuse," "Black Diamonds."

In Work: "Junior G-Men," "I'm Nobody's Sweetheart Now," "A Modern Monte Cristo," "Slightly Tempted."

Wanger

In Work: "Foreign Correspondent," "The Long Voyage Home."

Warners

In Work: "The Life of Knute Rockne," "The Sentence," "Episode," "They Drive by Night," "No Time for Comedy," "The Man from Fleet Street."

Started: "River's End."

Rites for Ferri's Mother

PROVIDENCE, May 20.—Funeral services were held here today for the mother of Roger Ferri, editor of the *Dynamo*, 20th Century-Fox house organ, who died late last week at the age of 80.

Neely Bill Aims to Revive Competition, House Told

(Continued from page 1)

chance that what they select will be good box-office.

Asked by Chairman Lea how prices would compare under the bill, Samuelson said that higher prices were a possibility but that, while exhibitors would be willing to pay them to get the good films, it was expected that increased competition would tend to level them out.

Opponents of the bill may begin presentation of their side by Thursday. Among those here to testify against the measure are William F. Rodgers, Loew's; Ed Kuykendall, M.P.T.O.A.; Lyle Wilson, M.P.T.O. of North and South Carolina; W. F. Crockett, M.P.T.O. of Virginia; Roy L. Walker, Lampasas, Texas, exhibitor; Arthur Lockwood, M.P.T.O. of Connecticut, and Harry Brandt, New York I.T.O.A.

With the exception of Rep. James P. McGranery, who has expressed sympathy with the aims of the bill, members of the committee appeared skeptical of whether it would make much difference. Rep. Carl Hinchshaw asked flatly whether a distributor was likely to sell six or eight pictures to an exhibitor if another theatre was willing to take his full output, and Samuelson admitted that he probably would not. He admitted, also, that there is nothing in the bill to force a distributor to sell an exhibitor if he does not choose.

The witness disclosed that the exhibitors are not inclined to insist upon too detailed a synopsis, nor to object to changes during production if necessary to improve a picture, but want to know the general outline of the story, the cast and whether there may be anything objectionable.

He told the committee that the exhibitors do not want to buy one at a time and suggested that the distributors still would be able to sell in blocks. Answering a question by Rep. Charles A. Halleck as to

whether enactment of the bill would mean that a theatre would take a half dozen of the best pictures of each producer, Samuelson expressed the belief that he would need more than that and would take maybe 40 from the best producer and possibly only 10 from the worst.

He admitted that he considered the "best" pictures those with the largest grosses, but insisted that, in the great majority of instances, the best box office attractions were those of good moral tone.

Having explained in introducing himself that he was an executive of Allied of Eastern Pennsylvania, Samuelson was questioned about the finances of that association by Rep. James Wolfendon and explained that members pay dues of \$1 to \$5 per week and that the income of the organization is about \$13,000 a year.

During the examination, Rep. Luther Patrick made a strong defense of the producers, declaring it unthinkable that they would deliberately produce poor pictures and suggesting that possibly blind selling was not the result of a producer's plan but an outgrowth of conditions under which the film makers wished to remain free to make such changes in their pictures, from cast to contents, as would make them better.

Samuelson said the exhibitors had no quarrel with changes to improve, but insisted that they could still furnish synopses, particularly, he said, as most pictures are finished weeks before they are released, and complained that today the theatre operators are required to subsidize the bad judgment of the producers.

The majors "are doing a fine job of production" but have "written the rules" which make independent competition impossible, Chadwick said.

The number of independent producers in the past 10 or 12 years has declined from 34 to 11. From 1920 to 1929, he said, the independents put out from 175 to 250 films a year.

Legion Approves 9 Of 12 New Pictures

Nine of 12 new films have been approved by the National Legion of Decency, three for general patronage and six for adults. Three were found objectionable in part. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Edison, the Man," "La Conga Nights," "Gaucho Sereenade." Class A-2, Unobjectionable for Adults—"Crooked Road," "Down Went McGinty," "Flight Angels," "Girl in Room 313," "I Can't Give You Anything But Love, Baby," "21 Days Together." Class B, Objectionable in Part—"Torrid Zone," "Waterloo Bridge," "You Can't Fool Your Wife."

AGVA Unit Backs Neely

PHILADELPHIA, May 20.—The local branch of A. G. V. A. has joined forces with the proponents for the Neely bill, feeling that if the theatres are divorced from the major companies, the union would be able to make better progress in negotiations with the individual houses.

Refuses \$5,000 Fee From St. Louis Union

ST. LOUIS, May 20.—William Brandt, secretary of the A. F. L. Central Trades and Labor Union, refused \$5,000 for his services as co-receiver of the Operators' Union, Local 143, it was disclosed here. Brandt fought for autonomy of the union, opposed John P. Nick, ousted head of the union, and defied William Green, head of the A. F. L., who criticized him for acting as co-receiver.

It was learned that Robert A. Roessel, attorney who helped the minority group oust Nick from control, is slated to receive \$31,000 for his two and a half years' services. Other fees to be paid, it was said, are: Raymond Freed, attorney associated with Roessel, who probably will share in Roessel's fee; Frank P. Aschemeyer, attorney for the receivers, \$10,000, and James A. McKeown, co-receiver with Brandt, \$5,000.

Kann Weds Miss Gross

Maurice Kann, editor of *Boxoffice*, on Sunday was married to Frances Gross.

Atkinson Services Will Be Held Today

CHARLOTTESVILLE, Va., May 20.—Private funeral services will be held here tomorrow for William E. Atkinson, former president and ancillary receiver of Fox Theatres Corp., and former film executive, who died here late Saturday night at the age of 60 of a heart attack.

Atkinson formerly was a vice-president of M-G-M, and former vice-president and general manager of Roxy Theatres Corp. He was born and educated in England, came to this country in 1901 and became a citizen in 1918, after executive posts with the Welsbach Co. of New England and Pittsfield Electric Co.

He started in the industry in 1910 as sales manager for Kinemacolor Co., rising through various posts until he assumed the vice-presidency of M-G-M when it was formed in 1924. He became general manager of the newly formed Roxy Circuit, Inc., in 1925, retiring three years later to come here. In 1932 he was named president of Fox Theatres Corp., succeeding Harley L. Clarke. Then, with John F. Sherman, he was appointed equity receiver when the corporation went into receivership. He retired several years ago.

He is survived by his widow, two sons, a daughter, two brothers and three sisters. Burial will be in Monticello Memorial Park here.

SAG Claims Control Of Coin Film Talent

HOLLYWOOD, May 20.—The Screen Actors Guild claims jurisdiction over entertainers appearing in films to be used in coin operated automatic projectors, it was announced in the new S. A. G. official organ, *The Actor*.

"S. A. G. officers know that the 'slot machine' movies will vary from the ordinary production of motion pictures, but it has been tentatively agreed that the guild, through the offices of the A. A. A., has jurisdiction over the performers," the publication said.

No move will be made, according to Kenneth Thomson, executive secretary of S. A. G., to attempt to negotiate a complete agreement covering terms and conditions of work and minimum wage scales until the various companies scheduled to begin operations are under way fully.

However, any member of an A. A. A. branch will be permitted to work for the producers without shifting membership to the S. A. G., and the S. A. G.-producers minimum wage scales must be observed.

Serlin Obtains Film Rights to 'Nijinsky'

Stage and screen rights to "Nijinsky," biography of the noted dancer, have been acquired by Oscar Serlin, producer of the current "Life With Father." Filming the life of Nijinsky was originally planned by Alexander Korda, but, unable to find an actor suitable for the dancer's role, the British producer abandoned the project.

Serlin's present plans are to have the biography adapted for a stage play, with the film following. Serlin purchased the rights from Nijinsky's wife, Romola, in February.

April Tax Revenue Rises to \$2,000,902

WASHINGTON, May 20.—Federal admission tax collections held to a high level in April, but the total of \$2,000,902 reported for the month, while more than \$600,000 ahead of the \$1,384,722 of April, 1939, was \$390,000 under the record-breaking figure of \$2,390,932 of March, it was reported tonight by the Internal Revenue Bureau.

For the first four months of the year, however, collections struck a new high of \$7,731,132, some \$1,670,000 above the \$6,058,979 received in the corresponding period last year, it was stated, and for the 10 months of the Government's fiscal year the collections of \$18,451,217 were \$2,077,663 ahead of last year, when \$16,373,554 was reported.

May Cut Admission In Northio Houses

CINCINNATI, May 20.—There is a possibility of admissions being reduced in order to stimulate business in certain situations controlled by Northio Theatres, Inc., according to Tracy Barham, general manager, who recently established headquarters here. The company operates houses in Ohio, Kentucky and West Virginia.

"Some time ago we made slight increases in admission prices in some of our houses, which resulted in a corresponding falling off in attendance," he said. "By the same token, we feel that reductions to the former scales will be the means of bringing that business back."

Hollywood Review

"Sandy Is a Lady"

(Universal)

HOLLYWOOD, May 20.—Supported by what be called a galaxy of adult comedy talent, Baby Sandy is to be seen here in a somewhat more intricately plotted exercise, designed nevertheless to put her in more of the dangerous situations—wandering around the lofty skeleton of a steel skyscraper, toddling across a traffic laden highway, etc., which have been supplied the baby star previously with audience success. The preview audience, like others before it, again laughed often, the adult comedians supplying ample reason, women present shrieking, squealing and screaming as the infant seemed certain to be hurled to destruction one way or another.

Talent assembled in the baby's support include Eugene Pallette, Mischa Auer, Billy Gilbert, Edgar Kennedy, Fritz Feld, Tom Brown, Nan Grey and Charles Wilson. All have characteristic assignments.

The screenplay, an original by Charles Grayson, has to do with the infant son of the junior clerk of a building contractor and the complications following the baby's being lost during an active and adventurous day. Butch and Buddy, small boys, cooperate with Sandy in the juvenile division.

Direction is by Charles Lamont, Burt Kelly acting as associate producer.

Running time, 63 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

Schine Transfers Men

ROCHESTER, May 20.—The following changes in personnel have been made by Schine Theatres. Gene Chiramonte, manager at the Lake, has been transferred to the Madison; Harry Rockowitz, Liberty assistant, to manager of the Lake; Joe Goldstein, Madison to State as assistant manager; Ira Rubin to Liberty.

May Reorganize Educational Films

E. V. Halley, who is seeking to foreclose a lien of 20,000 shares of stock of Educational Film Corp. of America, may attempt to reorganize that company, Halley's attorney told Referee John E. Joyce yesterday at a hearing of Educational Pictures, Inc.

This statement preceded the issuance of a 30-day injunction by Referee Joyce which restrained Halley from foreclosing on the stock pending the filing of a suit by James A. Davidson, trustee of Educational Pictures, to cancel the lien.

Davidson's attorney contended that the lien, given as collateral on a \$6,000 loan to Educational Pictures, was "irregular" and should be vacated. The loan had been made by the mother of Earle W. Hammons, former Educational president, and the lien was subsequently transferred to Halley, papers filed revealed.

Technicolor Board Members Reelected

Albert Fritsche, A. W. Hawkes, James H. Hayes and H. K. McCann were reelected yesterday to the board of directors of Technicolor, Inc., at the annual stockholders' meeting. The term is for three years. A board meeting is scheduled for tomorrow with all officers slated for reelection. These include Dr. Herbert T. Kalmus, president; George F. Lewis, vice-president and secretary, and L. G. Clark, treasurer.

Presiding at the stockholders' session, Kalmus reported this to be the greatest year in the history of the company. This year, to date, 15 features were produced or are on schedule to be produced in Technicolor, he said. In previous years 12 was the greatest number made.

Kalmus said that Pioneer Pictures had exercised its option to purchase the remainder of 35,000 shares since the first of the year.

Para. Staffs Board Convention Train En Route to Coast

Paramount's sales staff, which left here yesterday afternoon for the annual sales convention, opening Friday at the Ambassador Hotel in Los Angeles, will pick up other sales representatives at Chicago and Kansas City. The meeting will continue for three days.

J. J. Donohue, H. R. Ham, B. Elrod and A. Usher of Chicago will join the group today, with the following representatives from other cities: H. H. Goldstein and M. R. Clark, Cleveland; D. Kimelman and G. Elmo, Pittsburgh; J. J. Oulahan, Cincinnati; J. T. Howard, E. Stuckey and J. Ryder, Detroit; F. C. Clark, Milwaukee; J. H. Stevens, Indianapolis; H. F. Wilkes, J. F. Kirby, C. Goodson and A. Duren, Atlanta; S. Lett, Charlotte; E. B. Price, New Orleans; W. F. Bugie, Memphis.

Canadian delegates included: M. A. Milligan, J. L. Hunter and W. O'Neill, Toronto; M. A. Brown and T. Dowbiggan, Montreal; P. J. Hogan, St. John; W. O. Kelly, Calgary, and D. M. Brickman, Winnipeg.

Join at Kansas City

Stopping at Kansas City this evening the train will pick up the following representatives: H. W. Braly, L. W. McClintock, F. Larned, Dallas; C. L. Dees, Oklahoma City; R. C. LiBeau, J. T. Manfre, G. W. Hinton and A. H. Cole, Kansas City; M. Schweitzer and C. Roeder, St. Louis; A. Mendenhall, Omaha; R. M. Copeland, Des Moines; B. Blotcky and J. Fritcher, Minneapolis.

Among the representatives traveling directly to the convention are: W. Hansher, Vancouver; H. N. East, J. M. Battencourt and A. Taylor, San Francisco; M. Segel, G. Haviland, Seattle; A. R. Anderson, Portland; C. J. Bell, Denver, and F. H. Smith, Salt Lake City.

Executives en route West will stop off briefly today at the celebration in conjunction with the world premiere of "Those Were the Days" at Galesburg, Ill., today. They will be greeted by the Hollywood group including Muriel Angelus, Producer-Director Jay T. Reed, Lynne Overman, J. Carol Naish and Vaughan Glaser.

A. L. Pratchett, Paramount general manager in Cuba, Mexico and Central America, will go directly to the convention, probably by plane from Mexico City. Other foreign representatives at the meeting will be: Alvaro Reyes, branch manager at Bogota, Colombia, and Frank V. Kennebeck, Far Eastern manager.

Conn. Unit Weighs Divorce Bill Today

NEW HAVEN, May 20.—The Connecticut M. P. T. O. will hold a symposium on the Neely divorce bill at a luncheon-meeting tomorrow. Bernhart E. Hoffman will analyze the opposition to the bill while Arthur H. Lockwood will present the proponents' views.

Executive Secretary Herman M. Levy points out in the organization bulletin that exhibitors must become conversant with the provisions of the bill in order to take an intelligent stand.

AMPA

cordially invites you to attend
its regular luncheon meeting on

Thursday, May 23

to hear an address by the

HON. JAMES J. WALKER

Other guests, who will entertain us:

★ MISS BLANCHE RING

★ MISS ETHEL SHEPARD

★ UNCLE DON and winners of Uncle Don-Monogram Talent Contest

JACK DEMPSEY'S RESTAURANT

8th Avenue and 50th St.

Service starts 12:45 sharp—please be prompt!

Members—\$1.00 } Including Tip
Non-Members—\$1.25 }

British National Deal With U. A. Nearly Set

Negotiations for distribution of British National product here by United Artists to meet the British quota requirements of David O. Selznick and Samuel Goldwyn were reported yesterday to be nearing a conclusion.

Gerald Freeman, managing director of Anglo-American Films, distributor of British National product, is here from London and is known to have had discussions with Selznick and Goldwyn. The deal is expected to include British National's "Contraband," with Conrad Veidt, and "Gaslight," with Diana Wynyard and Anton Walbrook, both completed, and possibly "Love on the Dole," now in production.

IATSE Is Enjoined In Coast Picketing

HOLLYWOOD, May 20.—The I.A.T.S.E. today was under a temporary injunction against the picketing of the Admiral, new Hollywood Boulevard house operated by the Southern California Theatres Corp.

The company had sued the I.A. for \$2,500 damages for alleged illegal picketing. The house has a contract for projectionists with the United Radio and Electrical Union of America, Local 1,418, C.I.O. The temporary injunction is returnable Friday. The I.A. picketed the opening of the theatre last week in protest against the C.I.O. contract.

Ampa May Change Day for Meetings

In addition to former Mayor James J. Walker and Blanche Ring, the Ampa guests at Thursday's luncheon will include Uncle Don of the radio and two winners of the Uncle Don-Monogram talent contest, and Ethel Shepard of WHN.

The winners are Marcelle Wissman and Buddy Swan. They will leave May 29 via United Airlines to start work in "Kid Reporters" at Monogram. Ampa is conducting a member vote to determine if another day than Thursday would be preferable for the weekly luncheon meetings.

Postpone Indiana Meeting to June 25

INDIANAPOLIS, May 20.—The third annual mid-Summer convention of the Associated Theatre Owners of Indiana will be held June 25-27 at the Spring Mill Inn at Mitchell, in southern Indiana. A golf tournament will be a feature of the meeting.

The convention previously had been set for June 10-12 at Lake Wawasee. The postponement was decided upon to bring the meeting after the national Allied meeting in Chicago June 19-21.

Charter 4 Companies

ALBANY, May 20.—Four new companies chartered here, all of New York City, include: Leo Films, Inc., by Enid Sanders, Regina Cohen and Florence Whitman; Bryant Theatre, Inc., by Benjamin Davidson, Myron J. Glantz and Annette Graifer; 12th St. Amusement Corp., by Joseph M. Rumshinsky, Ola Lilith and Edmund J. Zayenda, and Classic Features, Inc., by Robert D. Bloom, S. Harry Eilenberg and Rhoda Egerman.

Hollywood Studio Notes

HOLLYWOOD, May 20.—BETTY FIELD and ROBERT PRESTON will co-star in Paramount's forthcoming color production, "The Shepherd of the Hills." MISS FIELD is currently working opposite FREDRIC MARCH in the studio's "Victory" . . . WILLIAM GARGAN replaces ailing RICHARD GREENE in 20th Century-Fox, "I Married a Nazi" . . . That studio's "Maryland" has been suspended temporarily because of the illness of JOHN PAYNE . . . M-G-M gave BILLIE BURKE a new contract and a role in "Dulcy," ANN SOTHERN vehicle . . . TED TODDY, president of Dixie National Pictures, Inc., and of its allied distributing organization, Dixie National Film Exchanges, Inc., has arrived in Hollywood for conferences on "Mr. Washington Goes to Town," which has an all Negro cast.

FRANCES LANGFORD, LINDA HAYES and ERNEST TRUAX join the cast of RKO's "Too Many Girls," which GEORGE ABBOTT will produce and direct . . . Columbia has changed the title of the LARRY DARMOUR production, "Keep 'Im Alive" to "The Great Plane Robbery" . . . SIGMUND NEUFELD has signed JAMES DUNN and FRANCES GIFFORD for the leads of "Hold That Woman!" formerly called "Skip Tracer." Production starts this week with SHERMAN SCOTT directing from a GEORGE BRICKER script . . . OLIVER DRAKE has been set by NEUFELD to write an original script for a TIM MCCOY western to be called "Border Bad Man" . . . KAY KYSER is in Holly-

wood to spend the Summer and make a second film for RKO. It will be called "The Old Professor," with DAVID BUTLER producing and directing.

JOHN GARFIELD will be starred by Warners in "Stuff of Heroes," newspaper story for which other Warner players have been mentioned . . . Another Warner assignment was that of FRED MACMURRAY and OLIVIA DE HAVILLAND to "Honeymoon for Three," based on the GEORGE HAIGHT-ALAN SCOTT play . . . ELIZABETH PAGE, author of "Tree of Liberty," has been signed by M-G-M to write the treatment for "Dawn's Early Light," based on a story by DOROTHY THOMPSON and FRITZ KORTNER. SAM ZIMBALIST will produce . . . HERMAN MANKIEWICZ is working on the screenplay of M-G-M's "Comrade X," based on the spy drama "Clearing All Wires" . . . EDDIE ALBERT will play a "straight" character role in Warners' "The Man from Fleet Street," starring EDWARD G. ROBINSON.

LORETTA YOUNG and MELVYN DOUGLAS will be co-starred by Columbia in "He Stayed for Breakfast," which ALEXANDER HALL will direct . . . CHARLES RUGGLES and Genevieve Tobin have been signed for Warners' "No Time for Comedy" . . . LEE PATRICK and JOHN LITEL join JEFFREY LYNN and BRENDA MARSHALL in "The Embezzler," Warner picturization of the JAMES CAIN novel.

Hollywood's All-Star Telecast Goes Wrong

Hollywood, May 20.—First all-star telecast scheduled by Don Lee Station WX6AO Sunday failed because someone forgot to tell the actors they would be televised. Mickey Rooney, Edward Arnold, Lewis Stone, Hedda Hopper, Marjorie Rambeau, Rosemary Lane and Marsha Hunt appeared at the station for rehearsal of "I Am an American" before they were to appear at the Hollywood Bowl, thinking it would be a straight Mutual show. When advised it would be television, the actors did not have time to prepare, but presented the radio program anyway.

Sue for Receiver Of TMAT Film Unit

Suit for the appointment of a receiver for the Motion Picture Division of Theatrical Managers, Agents & Treasurers, Union, No. 18,032, and for an accounting and injunction against Joseph Silverman and Charles P. Carroll, union officials, was filed yesterday in the N. Y. Supreme Court by Max G. Felder and Ben Braudie, members of the union.

The plaintiffs also applied for a temporary injunction to restrain the union from conducting hearings to remove Felder, Braudie and Stockton G. Leigh as members on charges of alleged strikebreaking.

New Films Start Well on Broadway

(Continued from page 1)

a preview of "Safari" which ran most of Saturday, the fourth weekend of "Buck Benny Rides Again" with Gene Krupa's band and Connie Boswell on the stage drew an estimated \$12,000, and the bill should finish its fourth week tonight with an estimated \$24,000. "Typhoon" bows there tomorrow.

"Alias the Deacon" grossed an estimated \$5,600 at the Rialto and was followed yesterday by "Ski Patrol." At the Globe, "Men Without Souls" grossed an estimated \$4,500 for the week. "I Was an Adventuress" opened at the Globe Saturday.

Executives at M. P. A.

Industry executives are expected to attend the Motion Picture Associates film meeting of the season tomorrow at the Astor. Among those expected are Jack Cohn, Stanton Griffis, Leopold Friedman, Louis Phillips, Major Albert Warner and Charles C. Moskowitz. Jack Ellis will preside. Col. Patrick Powers will speak.

N. J. Allied Meet Today

Meeting of New Jersey Allied at the Astor today will hear discussion on the current Neely bill hearings in Washington. The annual convention of the organization will be held in the Fall, on a date to be determined later.

Katherine Locke West

Katherine Locke leaves for California via American Airlines tomorrow to join her husband, Morris Helprin, assistant to Alexander Korda.

DOROTHY MANNERS says in
LOS ANGELES EXAMINER:

DARK COMMAND

"One of the most pretentious pictures of the year . . . a rip-roaring action yarn of the guerrilla days in Kansas. Raoul Walsh has directed the action scenes with grand gusto."

The Story of
The BLACK KNIGHT of KANSAS

Every inch a rogue, who dared to fight against a whole nation, he was helpless before the scorn of the woman he loved.

A Republic
PICTURE

Five-Fold Gain Of FM Is Seen By Armstrong

By EDWARD GREIF

With room for five times the present number of broadcasting stations on frequency modulation, many sections of the country will be serviced by FM before the end of the Summer, Major Edwin H. Armstrong, inventor of noiseless FM broadcasting, declared yesterday, as a result of the F.C.C. decision rendered over the weekend.

With the allocation of definite frequencies, receiver manufacturers will be able to build sets to meet the new situation, he said. Previously, manufacturers were unable to embark upon such new set construction because of the lack of knowledge of what frequencies the transmitters would operate on, Armstrong declared. At present, there are about 16 FM stations operating and there will be about 20 in a few weeks, he said.

About a dozen receiver manufacturers have been licensed by Armstrong and negotiations are now pending with six others. Five are now marketing sets.

Over the weekend, RCA Manufacturing Co. advised all station engineers that it was preparing to build FM transmitters. Armstrong declared that negotiations for a patent licensing agreement with RCA were broken off about 6 months ago.

Under the F.C.C. decision, NBC's television station, W2XBS, will be compelled to move off its present channel to a new frequency. The present channel number two will become number one, while a new frequency will become available as number two. At NBC, it was pointed out that no decision to move to a new frequency could be made until the F.C.C. rendered its report on television. NBC may have to discontinue television programs for several weeks to make the shift but engineers are seeking a method of installing a temporary outfit which will permit uninterrupted telecasting. Armstrong yesterday reiterated his offer to reimburse RCA for any expenses involved in the change.

All television receivers now in use will have to be readjusted to accommodate the new channel it was said. Previously, RCA has made the changes without cost to set owners but no policy has been set on the present change.

Armstrong declared that with the new frequency allocation for FM, the country will be able to have five times the present number of broadcasting stations. Comment among broadcasters and interested manufacturers was that the decision would mark an important set forward in radio broadcasting.

The decision turned over the frequencies from 42 m.c. to 50 m.c. to FM. This provides 40 FM channels, each 200 k.c. wide, of which five go to non-commercial educational stations. All pending applications for FM licenses were dismissed without prejudice but new applications will be received. Existing licenses terminate on Jan. 1. Television channels numbers one and eight were cancelled, and a new channel was established at 60-66 m.c. All new FM allocations become effective immediately with unlimited commercial operation next year.

Off the Antenna

RADIO NEWSREEL, an edited weekly transcription which is used by about 50 stations, was designated yesterday by the Senate Military Affairs Committee as the official reporter for the demonstration of the Barlow bomb at the U. S. Army proving grounds in Aberdeen, Md., on Saturday. Radio Newsreel will make recordings of the event and the Committee will use them as documentary evidence of the tests. Parts of the recordings will be used in the weekly release of Radio Newsreel.

Programs: Jay Simms has taken over the 11 o'clock nightly *Transradio* news period over Mutual to replace Arthur Hale, who has had that assignment for the past five years. Hale will devote all his time to "Confidentially Yours." . . . The Alka Seltzer "National Barn Dance" will shift from the NBC-Blue network to 50 Red stations on June 29. The program will continue to be heard on Saturdays at 8 P.M. CDST. . . . Gabriel Heatter will be heard over five Mutual stations under the sponsorship of Liberty Magazine on Thursdays and Saturdays at 9 P.M., starting Thursday. . . . Wini Shaw will head a new variety show over WMCA which originates from the World's Fair. Sally's Furs will sponsor the program for 52 weeks, six times weekly. . . . WQR will experiment with a recorded musical program on Thursday at 9 A.M. Tommy Dorsey, whose recordings will be heard, will appear in person for the show. Only one program, which is not available for sponsorship, is planned.

Film Stars on the Air: Gloria Jean, Frank McHugh and Robert Preston will be guests of Bing Crosby on the "Kraft Music Hall" over NBC-Red on Thursday at 10 P.M. . . . Olivia DeHavilland, Herbert Marshall and Helen Chandler will be heard on the "Lux Radio Theatre" next Monday at 9 P.M. over CBS. . . . Lee Tracy will appear in "Front Page" on the "Texaco Star Theatre" over CBS on Wednesday, May 29. . . . Charles Boyer and Helen Wood will be heard on "Hollywood Playhouse" over NBC-Red tomorrow at 8 P.M. . . . Alison Skipworth, Sally O'Neill and Jack Arthur will be guests on "Command Performance" over Mutual on Friday at 9:30 P.M.

Purely Personal: Robert Neville, who will be foreign news editor of PM, forthcoming tabloid, has been designated as a news broadcaster at WNEW. . . . Arthur Whiteside, manager of WOR's Newark studios, has been named assistant production manager to replace Frank Knight, who returns to the announcing staff. Tom Slater, of the announcing staff, succeeds Whiteside as studio manager, while George Hogan, formerly with WCAU, Philadelphia, and CBS, replaces Slater. . . .

Wynn Murray, vocalist on the Fred Allen show, will leave that program when it moves to Hollywood on June 6. She is now the star of "American Jubilee" at the World's Fair. . . . Sydney A. Moseley, English journalist, has been added to the WMCA staff of war news commentators. He will be heard Tuesdays and Thursdays at 8:15 P.M. . . . March Richelsen has joined Ned Stevenson & Associates to head a radio division of the publicity service. . . . Thomas D. Connolly, of the CBS sales promotion department, will speak tonight before the Connecticut Chamber of Commerce in Hartford. . . . Frank E. Chizzini has been appointed radio recording manager of NBC's central division. . . . Albert Warner, CBS Washington correspondent, has been elected president of the Radio Correspondents Association at the Capital. . . . Graham L. Tevis, formerly chief engineer at KMOX, St. Louis, has been named assistant chief engineer at WABC.

Dorothy Deere Quits Paper for B. & K. Post

CHICAGO, May 20.—Dorothy Deere has resigned as film editor and critic of the Chicago *Herald American* to join the advertising department of Balaban & Katz. Miss Deere succeeds Edward Levin as publicist for the United Artists and Roosevelt Theatres, the latter having joined the promotional department of New York's new paper, PM.

In her new post, Miss Deere plans a special service to all papers. She will continue her five times weekly broadcasts on films over WJJD.

Appeals Sunday Fine

MARTINSVILLE, Va., May 20.—William Jones, Negro manager of the Rex, was fined \$5 and costs in City Police Court for operating the house on Sunday. Jones filed notice of appeal to the Circuit Court, his trial to come up in July.

Plan New WSGN Antenna

BIRMINGHAM, May 20.—A new \$5,000 antenna for WSGN will be erected on the Birmingham *News-Age-Herald* Building. It will increase the station's power two and one-half times.

Heads RCA Fair Exhibit

M. F. Burns, assistant vice-president in charge of RCA Photophone's West Coast film industry relations, has been named director of the RCA Exhibit at the New York World's Fair. Joseph D'Agostino, on leave from NBC's engineering department, will continue in charge of operations of the exhibit.

Acquires French Film

Sylvia Sanders, treasurer of Leo Films, Inc., has cabled from Paris to her husband, Nat Sanders, company president, that she has obtained American rights to the French film, "The Twins of Brighton," starring Raimu. Mrs. Sanders is negotiating for two others. She will leave by Clipper May 29.

Night Ball in St. Louis

ST. LOUIS, May 20.—The first of 14 night baseball games at Sportsman's Park here will be held Friday night. The Browns will play seven home games under lights, and the Cardinals will play a like number this Summer. The park is scaled from 50-cent bleacher seats to \$2.20 for boxes.

FCC to Hear WNYC-WCCO Fight Monday

WASHINGTON, May 20.—The F.C.C. today set next Monday as the date for a hearing on the controversy between stations WNYC, New York, and WCCO, Minneapolis, arising out of the WNYC application for permits to operate at night.

Both CBS, which owns WCCO, and the Minnesota State Attorney General, will oppose the application. WNYC, at present, must sign off when the sun sets in Minneapolis. F.C.C. officials denied all knowledge of the charges by Mayor LaGuardia that the network was attempting to hinder the operation of WNYC.

CBS Officials Explain Its Stand

CBS officials professed bewilderment at the Mayor's attack yesterday, although there was a general refusal to be quoted. It was explained that WCCO, which has been owned by CBS since 1931, operates on 50,000 watts and that it was not seeking to take anything from WNYC. On the other hand, network officials said, WNYC was seeking to operate during evening hours and that this might operate as a serious limitation on WCCO. Since the Minneapolis station operates on a clear channel, which means that no other station may operate on the same wave length at night, if WNYC were permitted to broadcast at night, the 810 k.c. channel would lose its international status as a clear channel. This might result, it was said, in the ultimate curtailment of WCCO's service area and the loss by a large rural audience of WCCO's programs.

Mayor LaGuardia charged that CBS had worked with the Citizen's Budget Commission "to get control of WNYC's channel." Both the network and the C.B.C. promptly issued denials characterizing the charges as "nonsense."

Permits Are Sought For 2 New Stations

WASHINGTON, May 20.—The Federal Communications Commission has received applications for construction permits from the West Virginia Radio Corp., seeking a new 1,200-kilocycle, 250-watt broadcasting station at Morgantown, Va., and W. Montgomery Harison, planning a 1,420-kilocycle, 250-watt station at Augusta, Ga.

Applications also were filed by WOLF, Syracuse, N. Y., and KUIN, Grants Pass, Ore., asking for increases in power from 100 to 250 watts.

Midwest Radio Profit

CINCINNATI, May 20.—Midwest Radio Corp., manufacturers of receiving sets, in process of reorganization under 77-B, had net profit of \$1,768.41 for April, according to report filed in U. S. District Court. Total assets at April 30 amounted to \$149,696.07, compared with total debt of \$130,542.04, the report showed.

Short Subject Reviews

"Mr. Duck Steps Out"

(Disney-RKO)

Jitterbug dancing hits new heights as Donald Duck, his three nephews and Daisy indulge in the "art," the result being an amusing cartoon. The three brats appear on the scene as Donald courts Daisy, are bought off with ice cream, but return to rouse Donald's ire. Particularly amusing is the scene in which Donald goes into an eccentric dance after swallowing popcorn. Running time, 8 mins.

"Billposters"

(Disney-RKO)

Donald Duck and colleague Goof, engaged in pasting posters on a farm, encounter the typical cartoon difficulties with a goat and a windmill. The closing shot, in which both Donald and Goof revolve on the blades of the mill, is clever. Running time, 8 mins.

"Officer Duck"

(Disney-RKO)

As a police officer, Donald Duck is assigned to capture Tiny Tom, huge badman. The capture, of course, is effected, but only after much ado, including Donald's masquerading as a baby. Running time, 8 mins.

"Donald's Dog Laundry"

(Disney-RKO)

An intricate contraption to wash dogs is built by Donald Duck, Pluto being elected for the initial cleansing. The latter objects, however, and Donald resorts to foul but ineffective means of enticing the dog into the machine. In so doing Donald falls in, gets scrubbed, rinsed, powdered and hung on the line. The machine in action, similar to the Rube Goldberg comic strip inventions, is sure to draw laughs. Running time, 8 mins.

"Tugboat Mickey"

(Disney-RKO)

Mickey Mouse and Donald Duck both appear with the Goof in this, a Disney cartoon that should meet with general approval, especially by children. As boatmen, the three answer an SOS call at sea and after a hectic voyage find that the SOS was on a radio program. Running time, 7 mins.

Renew Photophone Pact

Paramount Enterprises, operating 13 Florida houses, has renewed contracts for sound service, equipment parts and tube replacement for the entire circuit with RCA Photophone. W. R. Lynch, general manager, acted for the circuit, and Jack Dumestre, RCA Photophone Atlanta sales executives, for RCA.

Score Universal Shorts

The last six shorts of the 1939-40 series, produced by Tom Mead and Joseph O'Brien for Universal, are being scored today at the Eastern Service Studios. Jack Schaindlin, who composed the score, will conduct a 25-piece orchestra. Graham McNamee and Alois Havrilla are the narrators.

'Wife' Scores \$7,100, Seattle Business Off

SEATTLE, May 20.—Grosses were generally off here, with only two houses getting average business. "My Favorite Wife" and "And One Was Beautiful" drew \$7,100 at the Fifth Avenue, while "Till We Meet Again" scored \$5,000 at the Palomar. Warm weather and night baseball provided competition.

Estimated takings for the week ending May 17:

"Irene" (RKO)

"On Their Own" (20th-Fox)

BLUE MOUSE—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$2,900. (Average, \$4,000)

"My Favorite Wife" (RKO)

"And One Was Beautiful" (M-G-M)

FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$7,100. (Average, \$7,000)

"One Million B. C." (U. A.)

"Over the Moon" (U. A.)

LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: \$4,300. (Average, \$5,000)

"A Bill of Divorcement" (RKO)

MUSIC BOX—(950) (25c-40c-55c) 7 days. Gross: \$3,200. (Average, \$4,000)

"Dr. Cyclops" (Para.)

"Shooting High" (20th-Fox)

ORPHEUM—(2,450) (25c-40c) 7 days. Gross: \$5,900. (Average, \$6,000)

"Till We Meet Again" (W. B.)

PALOMAR—(1,500) (20c-25c-40c) 7 days. Vaudeville headed by Fid Gordon & Co. Gross: \$5,000. (Average, \$5,000)

"Buck Benny Rides Again" (Para.)

"Honeymoon Deferred" (Univ.)
PARAMOUNT—(3,050) (25c-40c) 7 days, 2nd week. Gross: \$5,700. (Average, \$6,000)

'Irene' and 'Bill'

\$10,000, St. Louis

ST. LOUIS, May 20.—"Irene" and "Bill of Divorcement" at the Ambassador led the city with \$10,000, as grosses dropped off generally.

Estimated takings for week ending May 16:

"Irene" (RKO)

"Bill of Divorcement" (RKO)

AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$10,000. (Average, \$11,500)

"Saturday's Children" (W. B.)

"I Was An Adventuress" (20th-Fox)

FOX—(5,038) (25c-40c-55c) 7 days. Gross: \$5,500. (Average, \$11,000)

"I Take This Woman" (M-G-M)

"Forty Little Mothers" (M-G-M)

LOEW'S STATE—(3,162) (25c-40c-55c) 6 days. Gross: \$9,500. (Average, 7 days, \$13,000)

"If I Had My Way" (Para.)

"Alias the Deacon" (Para.)

MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,000)

"Rancho Grande" (Rep.)

"The Showdown" (Para.)

ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: \$2,900. (Average, \$2,600)

'Buck Benny' Gets Big \$10,100, Omaha

OMAHA, May 20.—"Buck Benny Rides Again" soared to \$10,100 at the Omaha.

Estimated takings for the week ending May 15-16:

"Bill of Divorcement" (RKO)

"An Angel from Texas" (W. B.)

BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$3,800. (Average, \$4,000)

"Buck Benny Rides Again" (Para.)

"The Lion Has Wings" (U. A.)

OMAHA—(2,200) (25c-40c) 7 days. Gross: \$10,100. (Average, \$6,000)

"If I Had My Way" (Univ.)

"Women Without Names" (Para.)

ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,700. (Average, \$7,200)

G-MEN
man their guns in
a desperate assault
on the last strong-
hold of
Gangland!

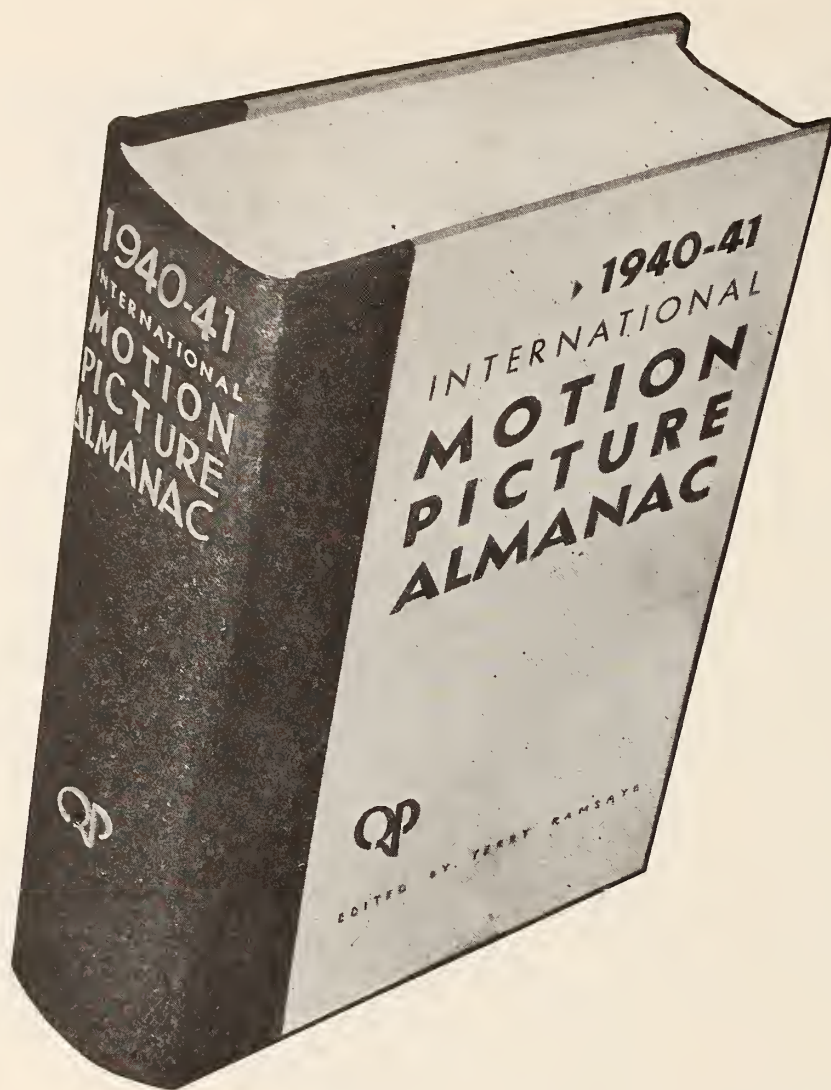
A revealing story of the
mysterious power who rules
the

GANGS of CHICAGO

LLOYD NOLAN • Barton MacLane • Lola Lane
Ray Middleton • Astrid Alwyn • Horace MacMahon

Directed by
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THE MOST UP-TO-THE-MINUTE SCREEN
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MOTION PICTURE DAILY

First in
Film and
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VOL. 47. NO. 101

NEW YORK, U. S. A., WEDNESDAY, MAY 22, 1940

TEN CENTS

Canadian Plan On Clearance Boards Wins

All Branches Support National Body

TORONTO, May 21.—All branches of the Canadian film industry today gave unanimous support to a resolution calling for the establishment of a national clearance board in the Dominion "for the purpose of establishing a fair deal for all parties in the matter of priority and clearance."

The decision was taken at a meeting here today of the Motion Picture Section of the Toronto Board of Trade. The vote was considered of unusual significance in view of the Neely bill situation in the United States.

Louis Rosenfeld of Columbia moved the resolution, and J. J. Fitzgibbons, vice-president of Famous Players Canadian, seconded.

The general feeling of the meeting was that Canada is one place where

(Continued on page 4)

Para. Abandons 'B' Production May 31

HOLLYWOOD, May 21.—Barney Balaban, Paramount president, today announced abandonment of "B" picture production as of May 31 when the Harold Hurley unit which made low budget films will be disbanded.

Hurley will leave the studio at that time to enter independent production, going to New York June 5 to complete negotiations for a major release.

Balaban announced that in line with the new Paramount policy of "A" films only, the studio will invest at least \$100,000 more per film for the new season than was allocated last year.

The Paramount convention train arrives here Thursday for the start of the annual sales convention Friday, with Balaban, Adolph Zukor and Y. Frank Freeman scheduled to address the opening session.

Wife Is Preparing A. J. Balaban Story

CHICAGO, May 21.—The first chapter of "A Way of Living," a biography of A. J. Balaban, co-founder of Balaban & Katz, by his wife, Carrie, has been completed. The history of the motion picture theatre from the days of the nickelodeon to the present day stage productions will be covered in the book.

War Cutting Deeper Into Foreign Income

Film company spokesmen last night stated that the World War has so changed the international outlook of the industry that all film companies must expect a more severe reduction in foreign income than has been anticipated hitherto. The companies, these authorities assert, are most apprehensive about their British income as the European conflagration moves closer to Great Britain's shores. This apprehension, according to the same observers, is leading the companies to withhold second quarter earning reports for the present.

Film Stocks Crash In Market Slump

Most film stocks crashed yesterday as the result of war news. Losses ranging up to 10½ points were registered. No stocks showed gains although a few managed to survive the day without losses.

Seventeen issues fell to new lows for 1940. This followed a general decline which established lows some days ago when the Spring offensive began on the Western front.

Bond trading was light but fractional losses were also recorded in this field. Maintaining price levels were Columbia preferred at 15, Warner common at 2½, Trans-Lux at 1, and Paramount-Broadway 3-5½s '55, at 45.

Eastman Kodak common showed the heaviest loss, dipping 10½ points to a new low of 128, while the preferred was off 8½ to a new low of 161½. Other stocks which set new lows were Universal Pictures preferred, off 7 to 60; Warner preferred, off 4 to 32; Loew's common, off 2¾ to 22; Loew's

(Continued on page 4)

7 Majors Withdraw \$15,000,000 Under British Agreement

Seven American distributors have withdrawn an estimated \$15,000,000 of their British revenue to date under the monetary agreement with that country.

The monetary agreement authorized the companies to withdraw a total of \$17,500,000, or the equivalent of 50 per cent of their estimated British revenue during the 12 months ending next November. Of the total, the companies were authorized to withdraw 75 per cent, or \$13,125,000, during the first six months of the agreement ended May 1.

It has been ascertained that the authorized 75 per cent had been withdrawn prior to May 1 and that additional withdrawals against the remaining 25 per cent for the current six months have been made since.

Universal was not included in the \$17,500,000 since it does not maintain its own distribution organization in Britain. Its withdrawals are in addition to that amount but likewise may not exceed 50 per cent of its British revenue during the designated period.

U. S. Will Question 23 Film Executives

The Government has subpoenaed 23 major company executives as witnesses in the New York anti-trust suit for questioning on the history and present status of the film industry, it was learned yesterday.

These are the first industry executives subpoenaed. All but two are defendants in the suit, and these are David O. Selznick, president, Selznick International Pictures, and James R. Grainger, president, Republic Pictures.

The witnesses already subpoenaed

(Continued on page 6)

Admit Product Costs Up 100% If Bill Passes

Neely Backers End Pleas; Opponents Today

WASHINGTON, May 21.—Admitting that enactment of the Neely block booking bill might increase the production costs of the major companies 100 per cent or more, proponents of the legislation today closed their presentation before the House Interstate and Foreign Commerce Committee, and paved the way for the appearance tomorrow of opponents of the bill.

At the conclusion of the hearing, Chairman Clarence F. Lea announced that the proponents had used 19 hours and 50 minutes and indicated that similar time would be accorded the opposition.

Industry witnesses against the bill will include C. C. Pettijohn, M.P.P. D.A.; William F. Rodgers, Loew's; Gradwell L. Sears, Warners; George J. Schaefer, RKO; Austin C. Keough, Paramount; Y. Frank Freeman, M. P. Producers Ass'n, Walter Wanger, Col. Jason Joy, 20th Century-Fox; Ralph Block, Jean Hersholt, Walter Abel and Edward Arnold, Screen Actors Guild. In addition, about 20 exhibitors, mostly officers of regional

(Continued on page 4)

Republic Planning 56 in New Season

HOLLYWOOD, May 21.—Herbert J. Yates announced here today that Republic next season would release 26 features, 30 westerns and four serials, the largest program in Republic's history. This compares with 28 features, 24 westerns and four serials for the present season.

After conferences with M. J. Siegel, studio head, Yates said substantial increases would be made in production budgets. "As a result, an increase in the personnel to handle the augmented program must be made," Yates said.

The product will be pointed toward the market in the Americas, Yates declared. "We feel an increase in quality for the coming year will offset the decline in revenue from foreign markets," he said.

The new season westerns will include: eight Gene Autry films, including two high budget specials; eight with Roy Rogers; eight "Three Mesquiteers" and six with Donald Barrie.

Ascap, U. S. Counsel Confer Today On Hearing to Quash Subpoenas

Ascap attorneys will confer today with Department of Justice representatives in an effort to agree on a hearing date for Ascap's motion to quash the subpoenas for the music society's records which were issued by a Federal grand jury here recently at the instigation of the Government.

An effort may be made at the conference to agree on what records shall be submitted by Ascap and, if successful, the motion to quash might be abandoned.

The Government's attempt to scrutinize Ascap's records signifies its renewed interest in the Federal anti-trust suit against the society which has been dormant for the past five years. Future action on the suit by the Government is seen as depending upon the outcome of the present investigation.

O'Shea Celebrates 20 Years at Metro

Edward K. O'Shea, Eastern district manager for M-G-M, this month is celebrating his 20th anniversary with the company. He joined the sales force in Buffalo after the war and was named to his present post in 1937.

Also observing anniversaries at M-G-M this month are Ralph W. Maw, Buffalo branch manager, 10 years; Walter E. Banford, Chicago branch manager, 14 years; Clayton T. Lynch, Los Angeles branch manager, 18 years, and Ben Abner, New Jersey branch manager, 12 years.

Goldwyn Weighing Para. Release Deal

Samuel Goldwyn has discussed the possibility of entering into a releasing deal with Paramount in the event his contractual dispute with United Artists is terminated, either by settlement or litigation.

Paramount officials emphasized that no deal would be consummated by the company as long as Goldwyn's contract with United Artists was in dispute. The producers' releasing negotiations with Paramount, Warners and RKO last Fall were abandoned by those companies for the same reason.

U.A. Board Meets May 27

Meeting of the United Artists board of directors scheduled for yesterday has been postponed to next Monday.

Personal Mention

EDWARD M. SAUNDERS, Western sales manager for M-G-M, is on tour of his territory following the company's regional sales meeting in Chicago.

DAVID BERNSTEIN, JACK COHN, NATE SPINGOLD and ARTHUR GOTTLIEB at Lindy's (51st St.) yesterday for lunch.

SIDNEY FRIEDMAN of the Capitol, Columbia, S. C., is vacationing here.

Mr. and Mrs. ROBERT F. SISK are in town from the Coast.

HARRY M. BESSEY, Altec secretary-treasurer, has returned from Cincinnati and Pittsburgh.

MADELINE CARROLL sails on the *American Clipper* today to visit her family in Paris.

OSCAR A. DOOB, Loew's publicity chief, leaves for Boston tomorrow for the premiere of "Our Town," following which he will visit Loew theatres in Syracuse, Rochester and Toronto.

HARRY GOLD, SOL EDWARDS, LOU WEINBERG, EUGENE PICKER, MARVIN SCHENCK and ARTHUR SILVERSTONE lunching at Lindy's (next to the Rivoli) yesterday.

ALAN BROWN, director, and RICHARD MAEDLER and WILLIAM ZUBILLER of March of Time arrived here yesterday after a four-week motor trip to the Coast.

NATE J. BLUMBERG, Universal president, has returned from Chicago.

COL. WILLIAM J. DONOVAN has returned from the Coast.

MATTHEW J. FOX, Universal vice-president, is in town from the Coast.

ERNEST EMERLING, assistant to OSCAR A. DOOB at Loew's, flies to Memphis today on business.

MONROE GREENTHAL, JOHN D. HERTZ, JR., ILKA CHASE, LEE SHUBERT, LOUIS PHILLIPS, CHARLES SONIN, BERT GORDON and JIMMY SAVO lunching at Sardi's yesterday.

BEN ABNER, M-G-M's New Jersey branch manager, has a birthday today.

HOWARD DIETZ, SAUL ROGERS, ARTHUR SCHWARTZ, SAM SHAIN, RUSSEL HOLMAN, MAX A. COHEN, OWEN DAVIS and CLAYTON BOND at Nick's Hunting Room in the Astor for lunch yesterday.

EDDIE DOWDEN has returned to his post at Loew's advertising department after a week's illness.

J. PHILLIP GLEASON, Movietone News cameraman at Indianapolis, will be married June 29 to KAY GRAFF, former nurse of FRED B. SNITE, of "iron lung" fame, whom he met while covering the Snite story in Florida last year.

Newsreel Parade

The new issues concentrate primarily on the war, a North Sea naval battle and the struggle in Belgium highlighting the coverage. The reels and their contents follow:

MOVIETONE NEWS, No. 73—Roosevelt addresses Congress. Struggle in Belgium. Refugees in France. New chief for Allied forces. North Sea naval battle. Dutch royalty in England. Landon supports Roosevelt's defense program. Nearer completion. Submarine Squall. Re-commissioned. Golf tournament. Yacht race. Scabiseit on the farm.

NEWS OF THE DAY, No. 271—Belgium invaded. Dutch refugees in England. North Sea naval battle. Golf tournament in Flushing.

PARAMOUNT NEWS, No. 76—Belgium invaded; refugees flee to France. North Sea naval battle. Roosevelt asks for 50,000 planes.

RKO PATHE NEWS, No. 877—North Sea naval battle. Belgians flee to France. Roosevelt in plea for defenses. Government officials and plane manufacturers confer in Washington. Squall reconditioned. Greet new citizens in New York. Earthquake on Coast. Golf tournament.

UNIVERSAL NEWSREEL, No. 88—Belgian and Dutch refugees in France. Queen Wilhelmina and family in England. Naval battle in North Sea. Earthquake in California valley. Aircraft builders in Washington conference. Golf tournament.

B'way District April Tax Total \$590,147

WASHINGTON, May 21.—Federal admission tax collections in the Broadway sector declined sharply in April, the Third New York Internal Revenue District returning only \$590,147 for the month as compared with \$647,532 in March, it was reported today by the Internal Revenue Bureau.

The month's total, however, was well ahead of the April, 1939, collections of \$506,085, it was stated.

Taxes collected at the box-office bore the entire loss, dropping from \$581,524 in March to \$509,898 last month, it was disclosed.

Collections on free or reduced rate admissions increased from \$6,288 to \$6,958, while collections on brokers' sales dropped from \$18,231 to \$18,105. On tickets sold by proprietors in excess of established prices \$1,491 was collected against nothing in March, and admissions to roof gardens and cabarets returned \$53,695 against \$40,888.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Luxurious Overnight
Skysleepers to
CALIFORNIA

**Go American
TO
CALIFORNIA
TEXAS • ARIZONA**

Four Transcontinental Flagships Daily

	Lv. New York	Ar. Los Angeles
The Sun Country Special	7:00 am	12:20 am
The Plainsman	4:15 pm	8:15 am
The Mercury	5:10 pm	7:40 am
The Southerner	10:15 pm	1:39 pm

(Schedules shown are Standard Time)

• For reservations, call your Travel Agent or HAVemeyer 6-5000.
Ticket Offices: 18 W. 49th Street at Rockefeller Center and 45 Vanderbilt Ave. at Grand Central.

**AMERICAN
AIRLINES Inc.**
ROUTE OF THE FLAGSHIPS

Only American
Flies the
Southern ALL-YEAR
Route to the
Coast

Galesburg Parades For Para. Opening

GALESBURG, Ill., May 21.—Thousands of residents of this section of Illinois jammed the streets of Galesburg today for the celebration in connection with the three-theatre premiere of Paramount's "Those Good Old Days."

Featured by parades, side shows, street carnivals, plenty of other whoop-to-do, whiskered men and women in old fashioned bustles to represent the era of the story, the celebration lasted until late at night.

Among those here from Hollywood were Lynn Overman, J. Carrol Naish and Muriel Angelus. Also here is Mrs. George Fitch of Eugene, Ore., widow of the author of the "Good Old Siwash" stories from which the film was adapted.

Warners to Revive 'Spy' at Globe Here

Warners' "Confessions of a Nazi Spy" will start a return engagement at the Globe on Broadway on June 1. The film originally played here at the Broadway Strand, and was released nationally a year ago this month. The length of the Globe run is indefinite.

N. J. Allied Meet in Fall

Annual convention of New Jersey Allied will be held in Atlantic City late in September, it was decided at a meeting of the organization yesterday at the Hotel Astor. The convention committee will decide the hotel and the date.

THE PUBLIC SPEAKS!

Every American who sees "The Flag Speaks" will be a better American.

—RAYMOND J. KELLY
*National Commander
American Legion*

It is one more evidence of the power of the screen.

—FANNIE HURST

No one should miss it. Everyone will enjoy it.

—MRS. L. G. ZABRISKIE
Nat. Soc. of Colonial Dames

An opportunity for every theatre manager in the country to show his true patriotism.

—MRS. LEROY MONTGOMERY
Daughters of the American Revolution

A masterpiece...it is a film that no American can afford to miss.

—MARY HARDEN LOORAM
Intl. Fed. Catholic Alumnae

Glad to recommend this picture to our members.

—GEORGE J. ZEHRUNG
Nat. Council Y. M. C. A.

A timely film.

—DR. EVERETT R. CLINCHY
Nat. Conf. Christians and Jews

It will appeal to every American.

—MESSMORE KENDALL
Sons of the American Revolution



THE PRESS SPEAKS!

Magnificent two-reeler, resplendent in exquisite Technicolor, pulsating with action, richly deserves protracted booking in every film house.

—FILM DAILY

In the front rank of short subjects.

—JAY EMANUEL
PUBLICATIONS

The spirit of the American people is captured in the beauty of the film.

—M. P. HERALD

Rich in elements which are saleable.

—M. P. DAILY

Guaranteed to make audiences applaud.

—BOXOFFICE

Instead of having to sell it to your patrons, you'll find them coming to you with requests for it.

—SHOWMEN'S
TRADE REVIEW

The Picture That Has 130 Million Press Agents!

"THE FLAG SPEAKS"

Two Thrilling Reels in TECHNICOLOR from M-G-M!
Ready For Release June 14th After Months of Intense Promotion!

Canadian Plan On Clearance Boards Wins

(Continued from page 1)

distributors, circuits and independents could sit down and settle the issue by mutual agreement within the industry and without resort to legislation.

As agreed, the board consists of two representatives of the circuits, two of the distributors and four of unaffiliated theatres. The groups will name their representatives within two weeks. The decision also provides for district boards in exchange centers to deal with priority and clearance under the rules framed by the national board, with headquarters here. Any district board decision is binding on the parties concerned, subject to appeal to the national board, for which a \$25 fee is to be charged.

Organization of the local boards will follow immediately after the appointment of the national board personnel. Annual meetings will be held in June of each year. The decision today approved negotiations undertaken six months ago, and the recommendations submitted by a special committee, including Nat Taylor of the Independent Theatres Association, M. A. Milligan of Paramount, and Rosenfeld. Taylor was chairman of today's meeting.

Report Purchase Of 'U' Securities

WASHINGTON, May 21.—Acquisition of 7,200 University Co. common voting trust certificates by three of the corporation's directors in March was disclosed tonight by the Securities and Exchange Commission in its semi-monthly summary of the transactions of officers and directors in the stocks of their companies.

The report showed that J. Cheever Cowdin acquired 3,500 certificates, giving him a total of 4,500; Daniel M. Sheaffer acquired 2,000, making his holdings 20,500, and Preston Davie, New York, acquired 1,700, representing his entire interest.

The only other transactions reported were the disposition by Davie of 70 shares of first preferred stock of Universal Pictures, of which he is also a director, and the acquisition of 100 shares of common stock, both representing his entire holdings in those classes.

More RKO Foreign Men in for Meeting

Five additional members of RKO's foreign sales organization will arrive here during the next few days to attend the company's annual sales convention, which opens at the Waldorf-Astoria on Monday.

The arrivals are: Max Gomez, Mexican manager, who will arrive by plane from Mexico City today; Fred Gulbransen, Panama manager, who will arrive by plane tomorrow; Gus Schaefer, Caribbean district manager, who will arrive from Havana, Friday, and Pedro Saenz, Cuba manager, and Ned Seckler, home office representative for Cuba, who will arrive Sunday on the *Jamaica*.

Admit Product Cost Up If Neely Measure Passes

(Continued from page 1)

exhibitor organizations, also will appear against the bill.

Prediction of higher production costs was made by Nathan Yamins, Fall River, Mass., exhibitor, who told Rep. Carl Hinshaw that if the bill is passed he will buy only "A" pictures, that the producers should make only "A" pictures and that if they did so it would cost twice the present budget or more to put out the same number of features annually. Yamins is a director and past president of Allied States.

Col. H. A. Cole of Dallas, president of Allied States, and Yamins concluded the presentation for the independent exhibitors, and between them pretty well dissipated any hope that the public groups might have of dictating the pictures to be shown, both declaring that they were in business for profit and that, in the last analysis, the box-office was the only important indicator of what the public liked.

Under questioning Cole explained that independent producers cannot make pictures because the large circuits won't take them, thereby closing 40 per cent or more of the market and making it impossible for them to put enough money into films to make them attractive to independent exhibitors. Further, he said, the independents couldn't show them if they would because their playing time is filled with major company product.

As during previous sessions, members of the committee hammered at the synopsis provisions, seeking to learn how they would operate without any great amount of litigation, as claimed by the proponents. Cole stood steadfastly by his belief that the law would be "obeyed" without any exertion by the Government, but Rep. Luther Patrick insisted that it was an

"extraordinary" proposition and that the courts would be clogged with suits.

Under questioning by Rep. Lyle Boren, whether it would not be preferable to screen pictures rather than to provide synopsis, Cole said screening would be a burden on the small town exhibitor.

Yamins told the committee that the elimination of bad pictures would increase theatre receipts and returns to the distributors and, when Boren continued his questioning of the synopsis provisions, declared confidently that they would work out all right, since the producers usually complete their pictures well in advance of release and could split the year up into quarters and sell the films on the basis of synopses written after their completion.

He emphasized that single selling is not required, and admitted that the exhibitors would want to continue to buy in blocks in order to be assured of product, although he personally would prefer to buy one at a time.

Yamins went into the cancellation question and declared it is not only a "privilege" granted by the distributors when they desired, which could be eliminated at any time, but that it was so hedged about with restrictions as to be useless. He presented contracts to support his testimony that when a high price picture is cancelled another is moved into that bracket from below, so that the exhibitor "has to pay for the privilege" of rejecting an unsatisfactory film.

"Trade practices today are more onerous than they ever were before," Yamins continued. Negotiations with the distributors are "hopeless" as a means of securing relief, he said, and "experience has shown that negotiations have always been costly to the exhibitors."

Plan A.G.V.A. Drive Through Northwest

SAN FRANCISCO, May 21.—Kenneth Howard, national organizer of the American Guild of Variety Artists, is here conferring with Vic Connors, local A. G. V. A. agent, on plans for an organizing drive in the Northwest. Principal effort will be centered in Seattle and Portland, where hours and wages are "in a deplorable state," according to Howard.

Rebellion has broken out in the ranks of the A. G. V. A. here, following dismissal of Buddy O'Brien, local business agent, on orders from New York. Denny McCurtin, local director, resigned in protest, and a petition is being circulated to demand an investigation of why the local board was not consulted prior to the action.

C.E.A. Sets Details Of Summer Meeting

LONDON, May 21.—The Cinematograph Exhibitors Association today disclosed details of the annual Summer conference, which is scheduled to be held July 8-10.

Chief features of the meeting will be a General Council meeting, golf tournament, civic reception, banquet, general discussions and an elaborate trade showing.

Film Stocks Crash In Market Slump

(Continued from page 1)

preferred, off 2 3/4 to 99 3/4; 20th Century-Fox, preferred, off 2 1/2 to 14 1/2; 20th Century-Fox common, off 7/8 to 5; American Seating, off 1 1/4 to 5 1/2; Consolidated Film Industries preferred, off 1 1/2 to 5 1/2; Technicolor, off 1 to 9 1/4.

Also, Paramount 1st preferred, off 1 1/2 to 65; Paramount 2d preferred, off 3/4 to 6 1/4; Paramount common, off 1/2 to 4 1/2; Pathe Film, off 7/8 to 6; Columbia common, off 3/4 to 3 1/2; General Theatre Equipment, off 1/2 to 8 1/4.

Other stocks which fell, although not to new lows, were Universal Corp., off 1/4 to 3; RKO, off 1/8 to 5/8. Consolidated Film Industries common, off 1/8 to 5/8.

Bond trading included B. F. Keith, refunding 6s '46, off 1/2 to 101 1/2; Warner, debentures 6s '48, off 1 to 83; Loew's, debentures 3 1/2s '46, off 1/8 to 101 1/8.

Honor Rita Johnson

WORCESTER, Mass., May 21.—Mayor William A. Bennett has declared a local holiday Thursday to honor Rita Johnson, featured in M-G-M's "Edison, the Man," on her homecoming.

New Industry Tax Faced in England

LONDON, May 21.—All industry organizations have been invited to confer tomorrow with the new customs and excise chiefs on the new purchase tax announced by Sir John Simon, then Chancellor of the Exchequer, in his recent budget.

The conference indicates that the Government is considering applying the tax to the film industry. Simon told the House of Commons the tax is meant to apply to manufacturers and wholesalers, but not retailers.

Obviously such a move would mean increased costs to distributors and exhibitors, with the possibility of recovering the added cost through admission increases.

The Films Council, under Sir Frederick Whyte, chairman, at a meeting today heard a brief statement concerning the Board of Trade's film policy. Despite lack of an official statement, indications are that the whole matter has been seriously complicated by the gravity of the European war situation. The Government has not as yet given final consideration to the Board's plans for industry changes. Another meeting is expected shortly but it is considered unlikely that it will be conclusive.

N. E. Governors at Premiere of 'Town'

BOSTON, May 21.—New England governors and their staffs, local officials headed by Boston's Mayor Tobin, and Hollywood and New York groups are scheduled to attend the world premiere of Sol Lesser's United Artists film, "Our Town," at Loew's State and Orpheum Thursday evening.

The Hollywood group includes Frank Craven, Beulah Bondi and Fay Bainter, of the cast; Thornton Wilder, author, and Aaron Copland, composer of the musical score. From New York will be: Mr. and Mrs. Lesser, Murray Silverstone, Harry L. Gold, Lynn Farnol, Monroe W. Greenthal, Albert Margolies, Louis Hyman and Ed Goodnow. Oscar A. Doob and Charles Kurtzman will represent Loew's.

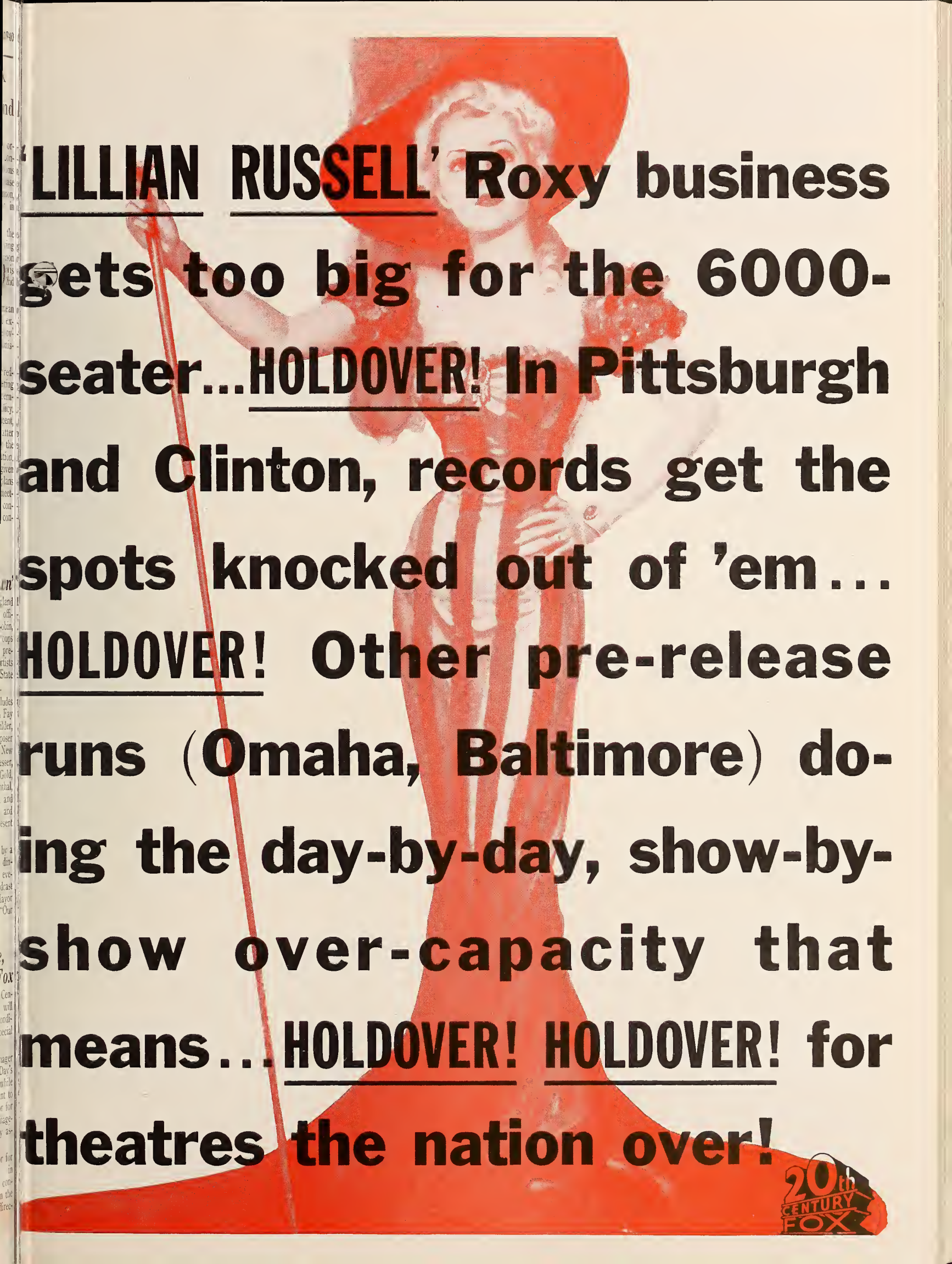
The premiere will be preceded by a reception in the afternoon and a dinner at the Ritz-Carlton in the evening. The premiere will be broadcast over the Yankee network. Mayor Tobin has proclaimed Thursday "Our Town Day."

Day to Study Chile, Peru for 20th-Fox

Stanley J. Day, former 20th Century-Fox manager in Colombia, will leave May 30 for a survey of conditions in Peru and Chile, as special home office representative.

Santiago Chiesa, formerly manager in Peru, has already taken over Day's former post in Colombia, while Charles Matzen, formerly assistant to Carlos Bavetta, managing director for Brazil, has taken over the management in Peru, after a temporary assignment in the post.

S. S. Horen, managing director for Argentina, with headquarters in Buenos Aires, is due soon for conferences and a vacation. Later in the summer, Otto Bolle, managing director in South Africa, is due.



'LILLIAN RUSSELL' Roxy business
gets too big for the 6000-
seater...HOLDOVER! In Pittsburgh
and Clinton, records get the
spots knocked out of 'em...
HOLDOVER! Other pre-release
runs (Omaha, Baltimore) do-
ing the day-by-day, show-by-
show over-capacity that
means...HOLDOVER! HOLDOVER! for
theatres the nation over!

'Husbands' Is Philadelphia High, \$14,100

PHILADELPHIA, May 21.—In face of weather factors and three carnival shows, grosses failed to rise above average. Only consolation was the \$14,100 registered by "Too Many Husbands" at the Boyd and "Buck Benny" with \$11,400 for its second week at the Fox.

Estimated takings for the week ending May 14-17:

"A Bill of Divorcement" (RKO)
ALDINE—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$8,000. (Average, \$8,000)

"Primrose Path" (RKO)
ARCADIA—(600) (32c-42c-57c) 7 days. 3rd run. Gross: \$2,700. (Average, \$2,600)

"Too Many Husbands" (Col.)
BOYD—(2,400) (32c-42c-57c-68c) 7 days. Gross: \$14,100. (Average, \$13,000)

"On Their Own" (20th-Fox)
CARMAN—(2,500) (26c-32c-42c) 7 days, with vaudeville bill including Harry Thérien, Large & Morgner, Bert Nagle & Co., Val Irving & Co., Al Norman and the Four Sidneys. Gross: \$6,000. (Average, \$5,200)

"Johnny Apollo" (20th-Fox)
EARLE—(4,000) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$8,600. (Average, \$14,000)

"On Their Own" (20th-Fox)
FAY'S—(2,000) (15c-25c-32c-40c-57c) 7 days, with vaudeville bill including Diane Raye, Madge Carmyle, Virginia Dare (McNaughton), Carr Brothers, Jim Penman, and Harry Holmes & Co. Gross: \$6,370. (Average, \$7,200)

"Buck Benny Rides Again" (Para.)
FOX—(3,000) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$11,400. (Average, \$13,000)

"My Son, My Son" (U. A.)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$4,700. (Average, \$3,000)

"Rebecca" (U. A.)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$4,500. (Average, \$4,500)

"Saturday's Children" (W. B.)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days. Gross: \$12,100. (Average, \$14,000)

"Blondie on a Budget" (Col.)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$3,400. (Average, \$4,500)

Court Affirms Hart \$300,000 Verdict

ALBANY, May 21.—Ending nine years of litigation, the Court of Appeals today affirmed without opinion a judgment of \$300,000 in favor of William S. Hart against United Artists. During the years the suit has been in the lower and appellate divisions of both the Federal and State courts. In 1938, a verdict of \$85,000 was rendered in favor of Hart, but U. A.'s appeal was successful and a new trial was ordered. On the second trial, however, the verdict was increased to \$300,000, which included the interest.

Hart charged that his 1925 production, "Tumbleweeds," was improperly block-booked with "Wild Justice" and that, as a result, he suffered a loss on the deal although the total gross was \$7,100,000. House, Grossman, Vorhaus & Henley represented Hart.

Miss Neagle, Wilcox Are Due Here Today

Anna Neagle and Herbert Wilcox, star and producer, respectively, of RKO's "Irene," will arrive here today from Philadelphia on their personal appearance tour. They will appear at the opening of the film at the Radio City Music Hall tomorrow, with Miss Neagle dancing a waltz with David Tihmar as part of the star show.

U.S. Will Question 23 Film Executives in Trust Suit

(Continued from page 1)

and a large number of other executives whom the Government plans to call will probably be placed on the stand immediately after both sides complete their opening arguments before Judge Henry W. Goddard, it is understood.

Company officials served with subpoenas follow:

Paramount: Adolph Zukor, chairman of the board; Barney Balaban, president; and Neil F. Agnew, vice-president and general sales manager.

20th Century-Fox: Sidney R. Kent, president; Herman Wobber, general manager of distribution; William Kupper and William Sussman, Western and Eastern sales managers, respectively; Spyros Skouras, head of National Theatres; William P. Phillips, director; and Truman Talley, vice-president and general manager of Movietones.

Warner Bros.: Gradwell L. Sears, general sales manager.

United Artists: Maurice Silverstone, president; L. J. Schlaifer, vice-president and Western sales manager; Samuel Goldwyn, producer; and Harry Gold, vice-president and eastern general sales manager.

RKO: Ned E. Depinet, vice-president.

Universal: Nate J. Blumberg, president; William A. Scully, general sales manager.

Columbia: Harry Cohn, president; Jack Cohn, vice-president; and Abe Montague, general sales manager.

Selznick International: David O. Selznick, president.

Republic Pictures: J. R. Grainger, president.

Present Government plans also call for the service of subpoenas on Joseph Schenck, president of 20th Century-Fox; Charles Chaplin; Darryl F. Zanuck, vice-president of 20th Century-Fox; and Louis B. Mayer, vice-president of M-G-M. The Department of Justice has already obtained judicial consent to call these executives.

On application of the Government, Federal Judge John T. Clancy yesterday authorized the issuance of subpoenas for H. P. Van Pelt, special agent of the Federal Bureau of Inves-

tigation and George K. Spoor. Both prospective witnesses reside in Chicago. Van Pelt has taken part in the Government investigation of the theatre situation in Chicago.

Five independent producers have been called from the Coast by the Government. They are Richard Rowland, I. E. Chadwick, William W. Hodgkinson and Jesse Goldburg.

The Government has also subpoenaed 36 exhibitors in the Philadelphia area in an effort to prove that the majors have monopolized first-run exhibition in that city. These will testify early in the trial.

Philadelphia exhibitors include: David Barrist; Allen M. Benn, Belmont Theatre; Herbert Elliott, Fern Rock; Ben Fertel, New Colonial; William Goldman; George T. Graves, Carman; Robert H. Hexter, Point Breeze; Thomas Lazarick, New Ritz; David Milgram; George Naudascher, Cambria; Harry Perelman, West Allegheny; Milton Rogasner, Iris; Henry Rosinsky, New Broadway; Sam Somerson, Palm; William Spiegel, New Lyric; Charles Segall; Columbus Stamper, Rivoli; Samuel Waldman, Garden; G. F. Wielland; I. Yaffe, Unique; David Shapiro, Admiral.

Also, H. A. Batistini, Alpine, Pimms-tawney; Joseph Conway, Egyptian; Bala-cynwyd; William Davis, Triangle, Pittsburgh; Albert Fischer, Keswick, Glenside; Harry Fried, Suburban, Ardmore; Henry Friedman, Lansdowne, Lansdowne; Thomas A. Gilbert, New Oakland, Pittsburgh; Melvin Koff, Darby, Darby; Chris Lampson, Capitol, Farrell; M. E. Ouslander, Pinebrook, Scranton; Harry Stahl, NuLuna, Sharon; Al. Joseph and William Weiss, McKeesport; Joseph Wodock, County Theatre, Doyleston.

The Government also added to the list of prospective witnesses the names of Elmer Pearson, former vice-president of Pathe Exchange, and Charles Morse of Boston.

Samuel Goldwyn, who was subpoenaed yesterday, plans to leave New York for the Coast at the end of this week but told Department of Justice officials that he would be available as a witness whenever called.

Court Rules RKO May Hire Lawyer

Federal Judge William Bondy yesterday ruled that RKO does not require judicial permission to retain a new law firm to represent it at hearings for allowances in RKO reorganization proceedings. The decision was rendered after RKO applied for authority to retain an unnamed firm of attorneys under the Chandler Act.

Judge Bondy refused to pass on a question raised by RKO whether the company would require judicial sanction for the terms of compensation for its new counsel. The latter application was premature, Judge Bondy said. Allowance hearings are scheduled for May 28.

Tom Pettay to Leave Post with Producers

HOLLYWOOD, May 21.—Tom S. Pettay has resigned as publicity director of the Producers Association and advertising code executive, effective June 1, to be Hollywood correspondent for *PM*, forthcoming New York newspaper, covering films and radio. He has been in Hollywood four years, following a year with the M.P.P.D.A. in New York. He formerly was a Washington correspondent.

'Irene' Pulls \$17,000, Best Frisco Gross

SAN FRANCISCO, May 21.—"Irene" opened with a big \$17,000 at the Golden Gate. "Buck Benny Rides Again," paired with "Tear Gas Squad" at the Fox, drew \$17,000 in the second week. "20 Mule Team" and "Double Alibi" scored \$13,800 at the Paramount.

Estimated takings for the week ending May 14-17:

"Irene" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: \$17,000. (Average, \$15,000)

"If I Had My Man" (Univ.)
"Honeymoon Deferred" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$9,200. (Average, \$8,000)

"Buck Benny Rides Again" (Para.)
"Tear Gas Squad" (W. B.)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$17,000. (Average, \$16,000)

"20 Mule Team" (M-G-M)
"Double Alibi" (Univ.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$13,800. (Average, \$11,500)

"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 8th week. Gross: \$6,800. (Average, \$8,000)

"Lost Horizon"
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days. Gross: \$5,800. (Average, \$6,000)

"Florian" (M-G-M)
"Grandpa Goes to Town" (Rep.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$11,500. (Average, \$12,000)

"Life of Giuseppe Verdi" (Foreign)
CLAY—(400) (15c-35c-40c) 7 days, 4th week. Gross: \$700. (Average, \$1,000)

"Slave Ship" (20th-Fox)
"Music for Madam" (RKO)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: \$800. (Average, \$1,000)

'Jumbo' Suit Settled

Stipulation settling the plagiarism suit of George L. Bard and Rosalind Mia Copping against Billy Rose, John Hay Whitney, Ben Hecht, Charles MacArthur and Billy Rose's Jumbo, Inc., was filed yesterday in N. Y. Supreme Court. The action, settled for \$500, claimed infringement of plaintiffs' play "Queen of the Circus" by "Jumbo."

Mecca Sues Carmel

Suit on a promissory note for \$4,000 was filed yesterday in the N. Y. Supreme Court by Mecca Film Laboratories, Inc., against Carmel Productions, Inc., Alfred Traum, president, Samuel Carmel, secretary, and Peter E. Kassler. Payment of the note was refused on presentation, the complaint stated.

Herbert Reimer Dies

SAN FRANCISCO, May 21.—Herbert Reimer, widely-known head of Foster & Kleiser's theatrical department, died here after a brief illness. For years he arranged outstanding billboard campaigns throughout California for theatrical and film attractions.

Harris Quits Loew's

CLEVELAND, May 21.—Milton Harris, for six years publicity director for Loew's theatres in Cleveland, has resigned. He intends to go to California. His successor has not yet been selected.

Mono. Exchange Opens

ALBANY, May 21.—Monogram held a house-warming at its new exchange here yesterday, with Nate Sodikman playing host.

Coast Flashes

HOLLYWOOD, May 21.—The Office Employees Union, A. F. L., today filed notice of intervention in the N.L.R.B. case through which the Screen Office Employees Guild seeks certification as collective bargaining agency for all studio office workers. The union has demanded a closed shop agreement for control of Central Casting Corp. employees, and this is the start of a move to bring studios within its scope.

Sidney R. Kent, president of 20th Century-Fox, and Charles E. McCarthy, director of advertising and publicity, leave Friday for New York after five days at the studio.

Ned Mann testified in his Federal court suit today against Walt Disney Productions, explaining his system of synchronizing human motions with cartoon drawings, which he claimed Disney infringed.

RKO will release "Hans Brinker and the Silver Skates," to be produced by Jack Gallagher with Irene Dare and George Bancroft in the leads. Al Green will direct.

THE EMOTIONAL "BIG PARADE" of 1940

THE DEVASTATING TRUTH

Searchingly *INTIMATE!* Amazingly *DARING!* The real story of men and women thrown together in the frenzied life behind the front-line trenches!

WOMEN IN WAR

with

ELSIE JANIS • WENDY BARRIE
PATRIC KNOWLES

MAE CLARKE • DENNIE MOORE • DOROTHY PETERSON
BILLY GILBERT • COLIN TAPLEY • Directed by John H. Auer

A *Republic*
PICTURE



'True,' Marx Show \$39,000 Gross in Loop

CHICAGO, May 21.—"It All Came True," with the Marx Brothers revue on the stage, drew \$39,000 at the Chicago. "Gone With the Wind" ended its 16-week run at the Oriental with \$19,000, but continues at the Woods.

Estimated takings for the week ending May 15-18:

"Rebecca" (U. A.)
APOLLO—(1,400) (35c-55c-75c) 7 days, 2nd week. Gross: \$6,500. (Average, \$6,000)
"It All Came True" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Marx Brothers and Revue. Gross: \$39,000. (Average, \$32,000)
"Buck Benny Rides Again" (Para.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$5,300. (Average, \$5,000)
"Gone With the Wind" (M-G-M)
ORIENTAL—(3,200) (75c-\$1.10-\$1.50) 16th week, 3 shows daily. Gross: \$19,000. (Average, \$13,000)
"Primrose Path" (RKO)
"Ma, He's Making Eyes at Me" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Gross: \$9,200. (Average, \$13,000)
"Dark Command" (Rep.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: \$9,000. (Average, \$11,000)
"Women Without Names" (Para.)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Jimmy Lunceford and colored revue. Gross: \$15,600. (Average, \$15,000)
"Strange Cargo" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: \$10,800. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (\$1.10-\$1.50) 7 days, 16th week, 2 shows daily. Gross: \$6,500

'Irene' at \$10,300 High in Cincinnati

CINCINNATI, May 21.—Baseball and Bingo combined to hit theatre grosses, although "Irene" garnered \$10,300 at the RKO Palace. "Buck Benny Rides Again" collected \$13,500 in eight days at the RKO Albee.

Estimated takings for the week ending May 15-18:

"Buck Benny Rides Again" (Para.)
RKO ALBEE—(3,300) (35c-42c) 8 days. Gross: \$13,500. (Average, 7 days, \$12,000)
"Irene" (RKO)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$10,300. (Average, \$10,000)
"Dark Command" (Repub.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: \$5,300. (Average, \$12,000)
"Over the Moon" (U. A.)
RKO CAPITOL—(2,000) (35c-42c) 7 days. Gross: \$4,000. (Average, \$6,500)
"Two Girls on Broadway" (M-G-M)
RKO LYRIC—(1,400) (25c-40c) 8 days. Gross: \$4,100. (Average, 7 days, \$5,000)
"Millionaire Playboy" (RKO)
"Mercy Plane" (Producers Dist.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,200. (Average, \$1,500)
"Ski Patrol" (Univ.)
"Little Orvie" (RKO)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"It All Came True" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$4,400. (Average, \$6,000)

Crosley's Quarter Profit Is \$42,807

CINCINNATI, May 21.—Crosley Corp., operating WLW, WSAI, and short wave stations, and manufacturing radio receiving sets, electric refrigerators and similar household appliances, reports net income of \$42,807 for the first three months of this year, compared with \$208,916 for the corresponding period of 1939. Sales for the first quarter of 1940 were \$3,507,567, compared with \$4,014,476 for the like period of last year.

Off the Antenna

RECENT experiments which have indicated that television signals can be received beyond the horizon by means of reflected waves off the ionosphere have raised many new problems, including one for frequency modulation. FM operates on the theory that stations will be heard only in their immediate locality because the range of the signal is also limited to a range of about 75 miles.

It is therefore planned to assign the same frequencies to many stations operating in different regions. However, the reflected signals may cause interference and complicate the system. An FM station can, of course, blot out another station on the same frequency which comes in with only half the power but the tests along these lines have been confined to ground waves and not reflected signals.

In allotting the frequencies to FM stations, the F.C.C. has pointed out that there have been insufficient tests along these lines and that it may be necessary to change frequencies in the future if reflected waves cause interference.

• • •

Purely Personal: F.C.C. Chairman James L. Fly will discuss "Radio in a Democracy" over Mutual on Sunday at 6 P.M. in connection with the dedication of a new radio studio at the University of North Carolina. . . . Dinah Shore, NBC vocalist, will be given a screen test by Warners this week. . . . Ed Byron, producer of "What's My Name" and Maxine Jennings, film actress, were married last week and are currently on a honeymoon in Washington. . . . Vincent Trotta, Paramount art director, and Russell Patterson, the illustrator, will be guests on "Careers and Jobs" over WOV on Thursday, May 30 at 6:15 P.M. to talk about art as a career.

• • •

Despite the relatively low cost of small screen home television receivers, set manufacturers have found an insufficient public interest in five-inch screen receivers and are discontinuing the manufacture of them. Some months ago, RCA announced that it would sell its remaining stock of the smaller models and discontinue them. Yesterday, the Allen B. DuMont Laboratories announced that both the five and nine-inch screens would be discontinued and that only 14 and 20-inch screens would be made in the future. DuMont is setting up a sales organization with franchises for dealers in different territories.

• • •

Radio commentators covering the Allied forces in Belgium were ordered to return to London yesterday. Mutual received two explanations from John Steele, its European representative. The first message stated that the correspondents were ordered back as a safety measure while the second stated that the British Government planned to reorganize the system of coverage by correspondents with front line troops.

• • •

Gifts of reconditioned radio sets to hospitals will feature WOR's participation in the National Association of Broadcasters National Radio Festival, June 3-8. The Radio Servicemen of America is cooperating with the station. An all-request program for shut-ins will be conducted by Milton Kaye.

Other features will be an essay contest with \$10 in prizes daily on "What WOR Means to Me"; open house for children at the Carteret transmitter with Uncle Don, Irving Caesar and Bob Emery as hosts; a statement of the station's "credo" by Gabriel Heatter during one of his talks; hats and gloves, designed by Pegeen Fitzgerald, will be featured in a publicity and promotion campaign; and John Gambling will interview on "Musical Clock" those performers or staff men who have been with the station for 10 years or more.

• • •

Programs: The U. S. Marine Band will start a Saturday concert series over CBS at 3 P.M. on June 1. The programs will originate from Washington. . . . A weekly sports series, "Sports School" will originate from Academy of Sports at the World's Fair, starting 11:15 A.M. on Saturday, June 1 over NBC-Red. . . . Another Fair program, "Today at the Fair" is being broadcast by WNEW, Mondays through Saturdays at noon with Mel Elliot as the commentator. . . . WOR has revised its policy to permit recording as well as electrical transcriptions.

• • •

FM Broadcasters, Inc., organization of broadcasters interested in frequency modulation, plan to set up an independent office in New York within the next fortnight to promote public and industry interest in the new type of broadcasting. Dick Dorrance, of the WOR publicity staff, who has been handling the publicity for FMBI, has resigned from his WOR post and will head the new office as promotion manager.

Richard Pack, director of publicity for WNYC, has resigned from the municipal station and will replace Dorrance at WOR.

• • •

Opening day ceremonies at the San Francisco Exposition on Saturday will be covered by the major networks. CBS will broadcast a half hour program from 2:30 P.M. EDT and Mutual and NBC-Blue will broadcast from 5-6 P.M. International Business Machines, which also broadcast a special program from the New York World's Fair, will broadcast a program from San Francisco on Monday while the Burns & Allen show will also originate from the Exposition on May 29.

J. E. Robin Moves

J. E. Robin, Inc., motion picture equipment export house, has moved into new quarters in the McGraw-Hill Building.

Coogan Talks Fair Role

Jackie Coogan has arrived here to discuss with Billy Rose the possibility of Coogan taking a role in the Aquacade at the San Francisco Fair.

Mayor Befogs WNYC Issue, CBS Charges

Terming Mayor LaGuardia's attacks on CBS "fancy window dressing" for efforts to block the Citizens Budget Commission and to obtain greater privilege for WNC, the network yesterday responded to the charges by setting forth three major points.

According to the statement, CBS has no interest in the commission's fight with the Mayor on next year's appropriation of \$118,000 for WNYC. Aid to the commission was given by other broadcasting companies as well as by CBS, the statement set forth. Efforts to call such aid "collusion" merely "befog" the budget issue, CBS declared.

CBS is opposing WNYC's application for full time operation because it will interfere with the coverage of WCCO, Minneapolis, as is the State of Minnesota, and on this issue the Mayor seeks "extraordinary broadcasting rights" for governmentally operated stations, it was said. The statement pointed out that WCCO serves a large rural audience while New York City now is adequately served by 13 stations of which seven are on a full time basis. It was also emphasized that WNYC voluntarily surrendered its full time license which it had and agreed to share the time with WCCO.

Fire Prevention Unit Elects John Cooper

TORONTO, May 21.—The Dominion Fire Prevention Association has elected Col. John A. Cooper, vice-president for the next year because of his work in supervising film exchanges in Canada through the Film Boards of Trade, which have a fire marshal for each of the six distributing centers in Canada. A summary of inspections is sent each month to the M. P. P. D. A. in New York.

The report of Chairman O. J. Silverthorne of the Ontario Board of Moving Picture Censors for the year ending March 31 revealed the effectiveness of fire regulations in the Province. Two fires affecting structures were recorded during the year and the damage was practically nil. Six film fires were reported among the 391 theatres and 15 film exchanges in Ontario and in only two of these outbreaks was there a loss of film, "only a few feet of film" being destroyed, according to the report.

Four theatres and one exchange were prosecuted for violation of regulations and convictions were registered in each case, it was reported by Chairman Silverthorne. Suspensions of from one to three weeks were meted out to 21 projectionists out of a total of 733 for infractions of rules.

Broadcast from Fair

SAN FRANCISCO, May 21.—"Hollywood Stage 9," gigantic Hollywood exhibit at the exposition, will go on the air as a weekly feature, according to Larry Allen, Consolidated Radio Artists manager, who is handling radio arrangements. Marian Marsh and Neil Hamilton are stars of the production.

Theatre Firm Formed

SUMTER, S. C., May 21.—The Sumter Amusement Co., capitalized at \$3,000, has been formed to deal in places of amusement.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 102

NEW YORK, U. S. A., THURSDAY, MAY 23, 1940

TEN CENTS

25,000 Actors In One Union Urged to 4-A

**Reis Reports \$100,000
Can Be Saved Yearly**

By EDWARD GREIF

One big union of actors, replacing the present 11 branches of the Associated Actors and Artistes of America is favored by the Bernard J. Reis report which was rendered to the 4-A international board yesterday. If approved by the various branches and the international board to whom the report must go, 25,000 actors now divided among the various branches will be joined into a single body covering every phase of the talent field.

Economies of upwards of \$100,000 will be effected in the administration of the unions, if the plan is adopted, Reis declared. Members now working in different parts of the entertainment field will not be compelled to join each branch separately. Instead, one card will be sufficient. Organization of non-union actors all over the country will be aided by the concentration of forces, Reis asserted.

No action was taken yesterday at the board meeting when the report was received. Reis, an accountant, has been working on the report for more than four months. No comment was forthcoming yesterday because of insufficient time to study the recommendation.

(Continued on page 7)

Hold Annual Jewish Appeal Lunch Today

The annual luncheon of the Amusement Division of the United Jewish Appeal will be held today in the Belvedere Room of the Hotel Astor, with about 500 industry personalities and executives expected to be present. David Bernstein, who is co-chairman of the division with Major Albert Warner, will preside.

The luncheon is scheduled to start at 12:30. Rabbi Abba Hillel Silver of Cleveland, noted religious leader, will be chief speaker.

Para. to Release 'World Windows'

Paramount will distribute a final series of eight issues of "World Windows," short subject travel topics in color, it was learned yesterday.

The first series of eight "World Windows" subjects was distributed during the current season by United Artists. Among the new series is one on India.

Griffiths May Join Para. in England

London, May 22.—David Griffiths, former Warner and Loew executive here, is likely soon to join Paramount in an important executive sales capacity, under David Rose. There have been discussions between London and New York in this regard over the past few weeks. C. G. Dickinson, Paramount's sales manager here, recently resigned.

Goldwyn to Para., Appeal Hint Given

PHILADELPHIA, May 22.—That Paramount may distribute Samuel Goldwyn's pictures in the event the producer is released from his United Artists contract was intimated today by Max D. Steuer, Goldwyn's attorney, in the course of arguments before the U. S. Circuit Court of Appeals here on Goldwyn's appeal from the dismissal of his action for a declaratory judgment to invalidate his United Artists contract by the Federal District court at Wilmington last December. MOTION PICTURE DAILY indicated the Paramount release possibility yesterday.

Steuer alleged that Goldwyn would be unable to continue production if relief is not granted, since United Artists, he charged, has threatened

(Continued on page 7)

Cohn Urges Single Charity Group Led by Associates

A movement to create a single non-sectarian charitable organization in the film industry here with the Motion Picture Associates as the founding unit was launched by Jack Cohn, vice-president of Columbia Pictures, at a luncheon of the Associates yesterday at the Hotel Astor. It was the organization's final meeting of the season. The next meeting will be held in August. Jack Ellis, president,



Jack Cohn

conducted the meeting. Attorney Emil K. Ellis, brother of

PETTIJOHN WARNS OF DOUBLED COSTS

11 Witnesses Added In U.S. Trial Which Opens as Scheduled

Defense counsel in the Government's anti-trust suit here fully expect the case to go to trial June 3 before Federal Judge Henry W. Goddard, despite existing talk of settlement through the efforts of the Department of Commerce.

Meantime, the Government yesterday moved forward in preparation of its case by adding 11 names of major company executives as witnesses to the 23 already subpoenaed for trial.

Defense counsel plan a second meeting on trial procedure this weekend following one last Saturday. A third will be held next week to complete plans. Opening defense statements are in preparation and the designation of the attorneys who will open for the defendants is under consideration.

Either served yesterday or whose names were not revealed previously are: of Loew's—Nicholas M. Schenck, president; Charles Moskowitz, vice-president in charge of New York theatres; Sam Katz, associate pro-

(Continued on page 7)

Due to Loss of Foreign Market, He Tells Neely Hearing

WASHINGTON, May 22.—A virtual doubling of film prices and admissions confront the industry and public as a



C. C. Pettijohn

result of the contraction of foreign markets for motion pictures, exhibitors and members of the House Interstate and Foreign Commerce Committee were warned today by Charles C. Pettijohn, general counsel of the M.P.P.D.A.

Testifying as the first witness for the opposition to the Neely block booking bill, Pettijohn declared that "the biggest problem of the industry arises in the loss of foreign markets representing 35 per cent of the entire gross of the industry."

"Take it from me," he told the exhibitors present in the hearing room,

(Continued on page 7)

U.S. Files Partial Data in Nashville

NASHVILLE, May 22.—The Government yesterday filed an incomplete bill of particulars in its anti-trust suit against the Crescent Amusement Co. and major distributors in Federal District court here in response to motions of the defendants and in accordance with the order of the court entered Feb. 23.

Today was the last day allotted the Government for filing the detailed information, despite which the Government's bill states in several instances that it is not able "to supply the information requested at this time," and reserved the right "to serve upon the defendants such other and further particulars as may subsequently come within its knowledge."

The Government also admitted in its bill that it "is unable to furnish at this time a complete list of theatre operators whose competition was restrained, suppressed or eliminated." However, the bill listed 19 exhibitors with 30 theatres in Tennessee, Kentucky, Alabama and North Carolina,

(Continued on page 6)

Personal Mention

MORRIS GOODMAN, Republic vice-president in charge of foreign distribution, returns Monday from a three-month tour of Latin America.

JOSEPH PLOTTEL, Warner Toronto exchange manager, is spending the week here with Mrs. PLOTTEL, visiting the World's Fair.

MORTIMER W. LOEWI, vice-president of the Allen B. DuMont Laboratories, left yesterday for a 10-day vacation in Golden Beach, Fla.

FRITZ DRESSEL, of the comptroller's department of Altec Service, is the father of twin boys, Raymond and Robert, born to Mrs. DRESSEL last week.

CONRAD MANDROSS of the Cove, Hollidays Cove, W. Va., is a visitor in town with his bride.

HARRY RATHNER, president of Producers Releasing Corp., left yesterday for Hollywood to set plans for a production schedule. He expects to return to New York in about three weeks.

SIDNEY MESIBOX of Warners' Philadelphia publicity department is the father of a daughter, born to Mrs. MESIBOX at Mt. Sinai Hospital in that city.

NORMAN C. HOLT, cashier at the Warner Des Moines exchange, is engaged to PAULINE HORSBURGH, also of the exchange.

MADELEINE CARROLL has postponed for a week her planned trip to visit relatives in England.

HERMAN WOBBER, WILLIAM SUSSMAN, DENNIS KING, EDDIE DOWLING, EDWARD EVERETT HORTON, MARK BARRON, ARTHUR MARGETSON, GUY BOLTON, GEORGE BALLANCHINE, MONROE GREENTHAL and PHIL PICKER lunching at Sardi's yesterday.

MARCUS HEIMAN, DAVID BERNSTEIN, OWEN DAVIS, RUSSELL HOLMAN, MAX A. COHEN, AUSTIN KEOUGH and SIDNEY PHILLIPS at Nick's Hunting Room in the Astor for lunch yesterday.

Transfers Effectuated In Metro Sales Staff

M-G-M has made several transfers and promotions in the field. These include: Barney Ross, former office manager in Charlotte, and Albert Adler, former Kansas City booker, appointed to the sales force in their respective cities; Thomas Hughes Jones, former first booker, succeeding Ross, and James Lee Stanton, Jr., assistant cashier in Atlanta promoted to fifth booker.

Also, Howard J. Beck, Detroit student salesman, to Chicago; Henry W. Kahn, former employee, appointed salesman in Chicago; John L. Kelley, transferred to Minneapolis from Chicago, and Sanford Gottlieb, student salesman in Milwaukee, taking over the territory formerly handled by Max Schwartz, the latter having been shifted to Chicago.

Newsreels Aiding Red Cross Appeal

Newsreels are cooperating with the annual campaign for funds of the American Red Cross by including in forthcoming issues appeals for contributions to the organization.

Ed Kuykendall, M.P.T.O.A. president, in a statement issued in Washington yesterday urges exhibitors to cooperate in the campaign by assuring that the Red Cross appeals are not eliminated from the reels when shown in their theatres.

Chaplin Assures U.A. Release of His Film

HOLLYWOOD, May 22.—"The report that I have withdrawn my film is entirely without foundation," Charles Chaplin, United Artists producer, yesterday wired Maurice Silverstone, operating head of the company, in New York.

"I am cutting it now and as soon as it is synchronized it will be released," Chaplin said.

Chaplin's picture is as yet untitled but was originally known as "The Dictators."

New C.E.A. 'Wind' Drive Is Planned

LONDON, May 22.—Following a single independent booking of Metro's "Gone With the Wind" in Manchester next week, the Cinematograph Exhibitors Association will launch a new drive in opposition to the 70 per cent rental terms asked on the film.

The campaign will be aimed at the press and public, with the possibility indicated that the exhibitors may use their screens for the fight. A new national bulletin on the situation is expected from the exhibitor organization shortly.

Peskey Takes Post For Roach in East

Edward J. Peskey, former Skouras Theatres and Grand National Pictures executive, took over his new post here yesterday as Eastern representative for Hal Roach, United Artists producer.

Peskey succeeds Tom Walker, general representative for Roach for the past year and a half. Walker has resigned and will announce his new association shortly.

Fight TMAT Officers

Max G. Felder and Ben Braudie yesterday asked N. Y. Supreme Court Justice Lloyd Church to restrain the Motion Picture Division of the Theatrical Managers, Agents and Treasurers Union from hearing charges against them. Plaintiffs claim Joseph Silverman and Charles P. Carroll, officers, have failed to account for union funds, and ask for an injunction and a receiver.

Technicolor Reelects

The board of directors of Technicolor, Inc., yesterday reelected all officers: Dr. Herbert T. Kalmus, president; George F. Lewis, vice-president and secretary, and L. G. Clark, treasurer.

Waxman Will Head Publicity for Ascap

A. P. Waxman, well known film publicist, is scheduled to be named publicity director for Ascap on a special assignment coincident with the offering of Ascap's new license agreements to radio broadcasters.

Disturbed by adverse publicity concerning Ascap and the new pacts, which is being disseminated, according to Ascap officials, by Broadcast Music, Inc., the organization sponsored by the broadcasters to develop an independent supply of music, the Ascap radio committee decided recently to combat the move by appointing its own publicity director to answer and counteract the B.M.I. campaign.

Waxman is expected to take over the new post early next week. He was formerly advertising and publicity director for Gaumont British here and for the past several years has handled special publicity accounts and has had charge of the industry's annual drive for funds for the Will Rogers Memorial.

Discuss Roadshow Plans for 'Heaven'

Roadshow plans for Warners "All This and Heaven Too" are being formulated by Gradwell L. Sears, vice-president in charge of distribution; S. Charles Einfeld, vice-president and head of advertising and publicity, and Mort Blumenstock, Eastern advertising and publicity head.

Extent of the roadshow program for the production depends upon the availability of theatres and dates in the leading cities, it was said. Current plans, however, indicate definite roadshow engagements in Los Angeles, Chicago, New Orleans, St. Louis and several additional cities.

A roadshow engagement for the production in New York is not certain at this time, due to the possibility of a deal with the Music Hall. However, if this does not materialize, Warners will try to obtain the Center for a roadshow engagement to their own Hollywood Theatre, due to the larger seating capacity of the former.

Petty Successor Awaits Hays' Visit

Appointment of a successor to Tom Petty as press representative for the Association of Motion Picture Producers, Hollywood, is expected to await the arrival on the Coast next month of Will H. Hays, it was stated at M.P.P.D.A. headquarters.

Hays is scheduled to leave for his annual Summer visit on the Coast about June 15.

Petty resigned the Producers Association post this week to become Hollywood correspondent for PM.

Shift RKO Managers

Morton Kresner, manager of the RKO Parkhill, Yonkers, has been transferred to manager of the Plaza in Stamford. Jack Berger, of the RKO Parkway in Mt. Vernon, has succeeded Kresner at the Parkhill.

Para. Players Due

Lynn Overman is due today from the premiere of Paramount's "Those Were the Days" in Galesburg, Ill. Muriel Angelus, British player, arrived yesterday from Galesburg by plane.

Picture Securities Show Slight Gain

Film securities showed a slight upward trend in yesterday's market upon receipt of news of strengthened Allied resistance. Gains were mainly fractional and were mixed with losses. Universal Pictures, preferred, rebounded to 65, up five from the previous close although the common fell 2 points to 5. Eastman Kodak, common, was the only other stock to show a sizeable rise with a gain of 10 points to 131.

Loew's, preferred, dropped 2 3/8 to 97, while the common gained 1/4 to 22 1/4. Warner Bros. preferred dropped 2 to 30. General Theatre Equipment dropped 1/8 to 8 1/8; B. F. Keith common 1/2 to 10 and Warner debentures 6s '48 dropped 1 to 82. Other securities rose fractionally or remained unchanged.

American Seating 6 3/4 up 1/8; Columbia common 3 3/8 up 3/8; Consolidated Film Industries preferred 6 1/2 up 1/2; Paramount common 4 3/4 up 1/4; Paramount, 2nd preferred, 6 1/2 up 1/2; Pathe Film 6 3/8 up 3/8; RKO 3/8, unchanged; 20th Century-Fox common 5 3/8 up 3/8; 20th Century-Fox preferred 14 1/2, unchanged; Warner Bros. common 2 1/2, unchanged; Monogram 3 1/2 unchanged; Technicolor 9 1/8 up 1/2; Trans-Lux 1, unchanged; Universal Corp. 3 up 1/8; Loew's debentures 3 1/2 '46, 101 1/4 up 1/8.

Miss Neagle to Hold 'Irene' Party Today

Anna Neagle will hold a reception this afternoon at the Radio City Music Hall for the members of the "Irene Club." Miss Neagle will appear on the stage today in connection with the opening of the RKO film, "Irene."

Present at the reception are expected to be Herbert Wilcox, producer of "Irene," and executives of RKO, including George Schaefer, president; Ned E. Depinet, vice-president; Creason Smith, A. W. Smith and S. Barret McCormick.

Phonovision's Film May Be Made Here

Sixteen millimeter films for Phonovision, a film coin machine, may be produced in New York by Sax Sax and Frank Orsatti, it was learned yesterday. The talent to be used for these pictures would consist mainly of bands and vocalists.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Dear Palsey Walsey,
Just to let you
know I am back in
action. If you happen to
need anything busted-
especially records - I
am glad to dish out the
one-two in the regular
Robinson style.

Yours for a heavy load of
box-office moolah
(that's French for gelt)

Brother Orchid

c/o Warner Bros.



EDW. G. ROBINSON
"BROTHER ORCHID"

with
ANN SOTHERN
HUMPHREY BOGART
DONALD CRISP • RALPH BELLAMY • ALLEN JENKINS
Directed by LLOYD BACON

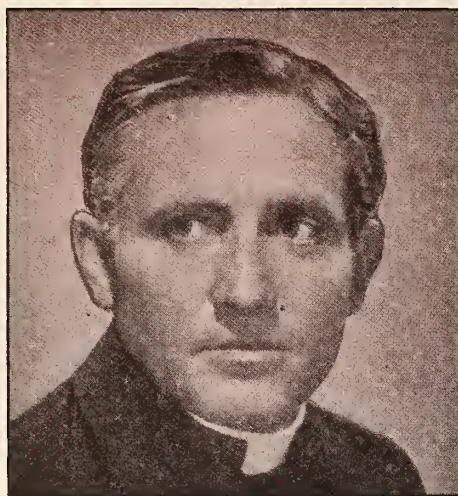
Screen Play by Earl Baldwin
Based on the Collier's Magazine Story by Richard Cannell
A Warner Bros. First National Picture



As Major Rogers in
"Northwest Passage"



As Father Flanagan
in "Boys Town"



As Gunner in
"Test Pilot"



GREAT!

GREAT!

GREAT!

G R E

CLARENCE BROWN'S

Metro-Goldwyn-Mayer

PRODUCTION

**SPENCER TRACY'S
GREATEST PERFORMANCE
EDISON,
THE MAN**

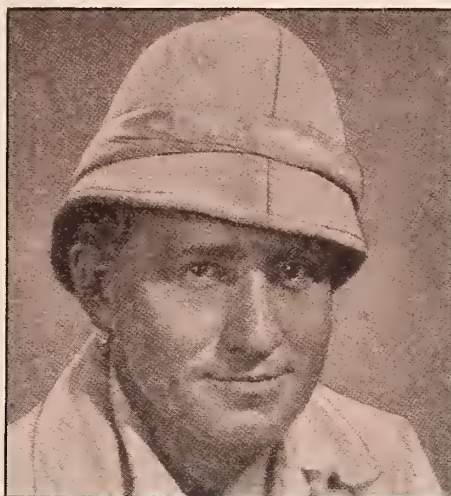
with Rita Johnson, Lynne Overman, Charles Coburn, Gene Lockhart, Henry Travers, Felix Bressart • Screen Play by Talbot Jennings and Bradbury Foote • A Metro-Goldwyn-Mayer Picture • Directed by Clarence Brown • Produced by John W. Considine Jr.



As Manuel in
"Captains Courageous"



As the Exploring Reporter
in "Stanley and Livingstone"



As the Gallant Priest
in "San Francisco"



GREAT!

GREAT!

GREAT!

GREATEST!

THAT'S THE CONSENSUS OF THE PRESS PREVIEW OF SPENCER TRACY AS "EDISON THE MAN"!

In his performance of "Edison, The Man," Spencer Tracy clinches his nomination for another Academy Award. M-G-M does itself and the industry proud.

—**Hollywood Reporter**

One of year's finest films, superbly produced, truly memorable. By its strength and appeal, circuits and exhibitors everywhere are certain beneficiaries, as is the public. Spencer Tracy's performance will surely command most serious consideration by those who vote the coveted Oscars of 1940. It's a box-office power-house.

—**Film Daily**

"Edison, The Man" takes its place as one of the superior motion pictures. Spencer Tracy supplies one of his strongest performances.

—**Edwin Schallert, Los Angeles Times**

By every measure a splendid and memorable production, destined to take its place amongst the important pictures of the year. A truly great performance. A picture of distinction and commercial promise.

—**Daily Variety**

A commanding screen work...compellingly impressive. A fine piece of box-office merchandise. Spencer Tracy's portrayal is his best performance. The preview audience was completely captured by the film.

—**M. P. Daily**

One of the most interesting productions I've seen. I don't remember when Spencer Tracy ever gave a better performance. A truly unusual film.

—**Jimmy Starr, Los Angeles Eve. Herald and Express**

Every man, woman and child in the world should see "Edison, The Man."

—**Hedda Hopper, Columnist**

Women's Clubs Hit Block Booking Bill

MILWAUKEE, May 22.—The Neely block booking bill is a "step in the direction of Federal control" of the motion picture, opposed by the General Federation of Women's Clubs, it was declared by Mrs. Arretus F. Burt of St. Louis, chairman of the Federation's Motion Picture Committee, in her annual report, read to the Federation convention here today.

She pointed out that the bill involves no moral issues and is "highly controversial even in the industry."

Pointing out the strategic position held by the screen in maintaining peace in this country, Mrs. Burt cited propaganda pictures as dangerous to peace. She declared the problem is a challenge which must be met, and urged all members to guard against propaganda films "when foreign pictures of 1940 make their appearance."

Referring to the fact that the Federation's West Coast Preview Committee reviewed 320 features during the past year, Mrs. Burt cited the report of Mrs. William A. Burk of the committee that this year's output is the finest in the industry's history.

Mrs. Burt urged all members to declare in favor of abolition of double features, and to attempt to persuade exhibitors to eliminate them.

Broadway's Lyceum To New Group June 1

Ownership of the Lyceum Theatre, famous legitimate playhouse, will pass from the Bowery Savings Bank on June 1 to a group which includes the playwrights George S. Kaufman and Moss Hart and producers Max Gordon and Sam Harris. Harris and Gordon are two of Broadway's most noted play producers, and Kaufman and Hart are one of the most successful writing teams the stage has known.

The Lyceum was opened in 1903 with "The Proud Prince," starring E. H. Sothern. The play had moved up to the Lyceum from the old Herald Square Theatre. The first new play at the Lyceum was "The Admirable Crichton," with William Gillette.

Daniel Frohman still maintains his studio atop the theatre and will continue to do so, under terms of the new lease. The theatre has 993 seats.

RCA Asks Dismissal Of Stockholder Suit

Federal Judge Vincent T. Leibel yesterday ordered notification be sent to Robert Jackson, U. S. Attorney General, that RCA had attacked the constitutionality of Federal legislation in an application to dismiss the stockholder's suit of J. Webster Manning.

RCA claims that Manning, as a resident of the District of Columbia, cannot bring suit in the New York Federal Court. Manning attacked subscription by RCA of RKO debentures prior to the latter's reorganization.

Hold Rites for Stur

ALBANY, May 22.—Funeral services were held here today for Walter Stur, manager of the sign shop in the New York State zone for Warner Theatres, who died of a heart attack. Circuit executives attended the funeral.

Feature Reviews

"21 Days Together"

(Columbia)

The exhibitor has here a film of highly saleable quality, for this important reason: the appearance of Laurence Olivier and Vivien Leigh in the chief roles. Their names have big box-office value, here as well as abroad.

The picture was produced in England by Basil Dean. He also wrote the screenplay. A highly competent cast performs with great skill in this poignant drama which has been adapted from an original story by John Galsworthy. In the principal supporting roles are Leslie Banks, Francis L. Sullivan, Hay Petrie and Esme Percy.

Olivier plays the part of a wastrel. Banks is his brother, a dignified and ambitious barrister who is about to be named to the bench. Vivien Leigh and Olivier are in love and when they unexpectedly encounter the worthless, former husband of the girl, a fight occurs and the husband is killed. Banks is fearful that Olivier's act will jeopardize his own career and attempts to persuade Olivier to leave the country. In the meantime an innocent vagrant has been arrested for the murder and Olivier, who cannot see the innocent man hanged for something he did not do, remains in the country.

There follow 21 days between indictment and trial during which Olivier marries Miss Leigh and they have their honeymoon.

The vagrant held by the police is found guilty and Olivier decides to give himself up in order to save the man, when there comes news that the prisoner has died of a heart attack while on his way to jail.

Running time, 73 minutes. "G."*

CHARLES S. AARONSON

"Typhoon"

(Paramount)

In a spectacular production which includes two shipwrecks, the sinking of a submarine, a forest fire and a climatic typhoon and tidal wave, Dorothy Lamour returns to her jungle haunts and sarong. "Typhoon" should not be found wanting in boxoffice appeal. Aided by excellent color photography, director Louis King has caught much of the grandeur and the terror of man's fight with the elements.

Supplementing the strong drawing power of spectacular films of this type, there are such marquee names as Miss Lamour, Robert Preston and Lynne Overman. Preston is cast as a beachcomber shanghaied by Overman, who seeks to save him from an apparently inevitable death from alcohol. As a former bookmaker who has decided to spend his life fishing for pearls in the South Seas, Overman lends a homely touch of rough humor to the story.

Dea (first portrayed by Norma Gene Nelson and later by Miss Lamour) is shipwrecked on a South Sea island, where she stays for 10 years with the solitary companionship of a chimpanzee. When Overman and Preston are suddenly stranded on the same bit of land, Dea falls in love with Preston. There is a bit of comedy in the latter's effort to escape from Dea because he regards himself as unworthy, and some melodrama in a native's (Chief Thundercloud) pillaging of the neighboring islands. J. Carrol Naish deserves special commendation for his portrayal of Overman's native first mate. Allen Rivkin wrote the screenplay from an original by Steve Fisher.

Running time, 71 minutes. "G."*

EDWARD GREIF

*"G" denotes general classification.

Minnesota Governor Acts in WNYC Fight

MINNEAPOLIS, May 22.—Gov. Harold E. Stassen today urged Attorney General J. A. Burnquist to resist to the utmost the efforts of New York Mayor LaGuardia to get night time for WNYC, New York municipal station. Gov. Harold E. Stassen pointed out that WCCO, CBS station here, has the only clear channel in Minnesota and the entire Northwest and that granting of night time to WNYC would change the status of the channel. The Minnesota delegation in Congress has also instructed the Governor and Attorney General to intervene in the F.C.C. hearings, and Gov. Stassen declared that the State would intervene even if WCCO withdrew from the fight.

Red Cross Program On Networks Sunday

Radio will cooperate with the Red Cross war relief drive by a full hour program on Sunday at 2 P.M. which will be carried by the three major networks. The program will originate from Washington, New York and Hollywood. Participating in the show will be Mrs. Franklin D. Roosevelt, Jack Benny, Bob Hope, Jimmy Durante, Walter Huston, Gertrude Lawrence, Vivien Leigh, Judy Garland, Lynn Murray's chorus, and the orchestras of Frank Black and David Broekman. Norman H. Davis, chairman of the Red Cross, will also speak.

Join Metro Exchange

SAN FRANCISCO, May 22.—Harry Fox and Lester Smith have joined the M-G-M exchange.

Canada to Use Air To Aid War Effort

MONTREAL, May 22.—Radio will be used to prod Canada's war effort Sunday, when J. L. Ralston, Minister of Finance, speaks over the CBC national network, launching a campaign to raise additional money for the war through low-priced saving certificates.

Films were used to launch the first Canadian war loan last month, when the National Film Board released a documentary to 800 Canadian homes and suggestion has been raised that another film on the new cheap certificates may be made.

Two other ministers will use the radio for war talks next week. Norman Rogers, Minister of National Defense, just back from London, will address the Canadian Legion convention in Montreal Wednesday, and C. D. Howe, Minister of Munitions and Supply, will address the Canadian Manufacturers Association in Winnipeg May 30.

U.S. Files Partial

Data in Nashville

(Continued from page 1)

and in each instance cited what it purported to be "distress methods and manner employed" in the relations of these theatres with distributors.

Also, in what was admitted to be an incomplete list, the bill named 12 independent exhibitors in the four states who allegedly "received less favorable privileges of selection" in the buying of films, and in another list named several theatres which, it was charged, had been forced out of business as a result of the alleged treatment.

The Crescent case has not yet been placed on the court trial calendar here since no answers to the Government's bill of complaint were required of the defendants pending the filing by the Government of its bill of particulars.

Ascap Subpoena Hearing on May 29

Hearing of Ascap's motion to quash the Federal grand jury subpoena issued for its books and records recently was set for May 29 before Federal Judge Henry W. Goddard yesterday, following a conference between Ascap attorneys and representatives of the U. S. Attorney General's staff.

The subpoena was issued at the instigation of the Government and indicates the latter's renewed interest in the Federal anti-trust suit against Ascap, which has been dormant in Federal court here for the past five years.

Postponement of the hearing, which had been tentatively set for yesterday, was attributed to the fact that Louis D. Frohlich and Herman Finkelstein, counsel for Ascap, had to be in Albany yesterday to appear in another case before the Court of Appeals.

Van Beveren to Africa

W. E. Van Beveren, now in London, will sail the end of this month for South Africa, to take over the post there of Otto Bolle, managing director for 20th Century-Fox, temporarily, while Bolle comes to the United States for a vacation and conferences.

U.S. Names 11 More Witnesses In Trust Trial

(Continued from page 1)

ducer of M-G-M; Al Lichtman, vice-president; and E. M. Saunders, Western sales manager of M-G-M; of Warner Bros.—Harry Warner, president; Jack L. Warner, vice-president in charge of production; and Albert Warner, vice-president and treasurer; and Joseph Bernhard, president of Warner Bros. Circuit Management Corp.; of Paramount—Y. Frank Freeman, vice-president in charge of production; of Universal—Cliff Work, vice-president and studio head.

Two special agents of the Federal Bureau of Investigation, J. M. McGrath and H. G. Robinson and Sol Lesser, United Artists producer were also subpoenaed by the Government yesterday.

Special Attorney Seymour Simon, who rejoined the anti-trust division of the Department of Justice this week is engaged in the preparation of briefs in connection with the Government suit against Balaban & Katz, it was learned. Simon is working with Special Assistant Attorney General Robert L. Wright on exceptions to the Special Master's report recently filed in the federal court.

Special Assistant Attorney General James B. Hayes yesterday arrived in New York to aid in preparation for trial of the "key" anti-trust suit.

The full staff is now moving to their own office downtown, in a location convenient to the Federal Courthouse in Foley Square, from the offices occupied for the past year and a half in the National Association Building. Attorneys engaged in the move represent Loew's, Paramount, RKO, 20th Century-Fox and Warners. Counsel for United Artists, Universal and Columbia have permanent headquarters uptown, and did not use the temporary defense counsel offices.

Report Urges One Big Actors Union

(Continued from page 1)

mentations but the members of Actors Equity will have an opportunity to learn the details at the annual meeting in the Hotel Astor tomorrow afternoon. A board committee of four will study the report and each branch will be asked to express its opinion.

The parent body has been seeking additional funds from the branches for some time, and there have been proposals to increase the constitutional limit of one dollar per capita tax by special assessments of 50 cents and more.

Leases Providence House

PROVIDENCE, May 22.—A. A. Spitz, head of Associated Theatres, has formed a new company, Metropolitan Theatre Co., which has rented the Metropolitan, 3,000-seat downtown house, for five years, with options for an additional 10 years. The house will continue to offer concerts and similar stage attractions. Associated with Spitz are Ralph E. Snider, Judge James E. Dooley and Antonio A. Romano.

Foreign Loss Threatens Doubled Prices: Pettijohn

(Continued from page 1)

"your problem in the immediate future is going to be: how are we going to maintain present quality standards with 35 per cent of our gross revenue wiped out in Europe and Asia?"

"I don't see how it can be done unless we take the 50 best pictures, the outstanding box office attractions—and play them, not at 30 per cent but 50-50, and raise admission prices to 65, 75 and 85 cents, where they are now 25 and 35 cents."

Pettijohn branded the Neely bill as a "price control and censorship" measure, rather than a block booking and blind buying one, and claimed that 95 per cent of the industry is opposed to it. The supporters of the bill, he said, include only the representatives of a small minority of exhibitors and "pressure groups" which, if they represent others than themselves, can lay no claim to a specific number.

No Freedom

"It seems to me," Pettijohn said of the latter group, "that they are not interested in permitting the public to make its own film selection. They appear more intent upon telling the public what they think it should or should not see. Is this the 'community freedom' of which they speak?"

He pointed out that no picture is produced in the United States which the public cannot see if it wants to. "The voice of the box-office is the will and voice of the community," he said. "A good picture to an exhibitor is a picture which will sell the most tickets. A good picture to some of these witnesses is a picture which they think the public should see, and a bad picture to them is one which they think the public should not see."

Pettijohn charged that the Neely bill was drafted by persons who have never made nor sold a motion picture and who, consequently, had no real appreciation of the damage it might do to the industry and the increased financial burdens it would place upon it, resulting in higher film costs to exhibitors and higher admissions for the public.

Replying to a charge by a proponent of the bill that the industry maintains lobbyists who overrun Washington "like a swarm of locusts," Pettijohn said that for the past 12 to 15 years Burt New and one assistant, James B. Fitzgerald, have been the only industry representatives in Washington, and that this year John W. Bryson was added to contact the production branch of the industry in California on the speakers it would send to the hearings.

Pettijohn told the committee that the exhibitors apply block booking and blind selling against the public, the former when they show double features. If a patron likes only one of the two pictures, he said, the theatre won't let him in to see that one at half price. And, he added, the public buys blindly when it goes into the theatre. "The public doesn't pay on the way out," he pointed out.

The Hays counsel made the usual presentation of contracts booked by the major companies for their various pictures to show the spread between the most and least successful, the outstanding example this year being

20th Century-Fox with 14,552 contracts for "Jesse James" and 1,145 for "Inspector Hornleigh," as proof of the contention that the exhibitor is not required to buy full output.

The latest Legion of Decency list of condemned pictures, he told the committee, consists of 14 films, none of which were produced by companies under the Production Code and every one of which was sold singly. He admitted, however, that he would "not be surprised" to find "Primrose Path" on the next list.

Congressman Talks

First member of Congress to appear before the committee, Rep. John M. Costello (Dem., Cal.) pointed out that there is nothing in the bill "to enable the public to influence the selection of exhibitors" and asserted "there can be no such thing as community selection unless you actually establish a community board of censorship."

Analyzing the bill, he pointed out that shorts are exempt and contended that such pictures could be as unsatisfactory as features. In his opinion, he said, shorts were left out because of a realization that the restrictions would be so burdensome that producers would abandon them if they had to furnish synopses.

The major effect of the bill, Mr. Costello testified, would be that the producers would sell singly, which would mean that an exhibitor would have to make from 50 to more than 200 separate contracts a year.

Intimate Goldwyn Para. Release as UA Appeal Opens

(Continued from page 1)

litigation against any other company which agrees to distribute Goldwyn's pictures.

The suit was dismissed by the lower court on the ground that Alexander Korda and the late Douglas Fairbanks, Sr., whom Goldwyn alleged had received discriminatory treatment, invalidating Goldwyn's contract, were not parties to the action. Steuer argued today that if Goldwyn had asked for anything but a declaratory judgment, Korda and Fairbanks might be "indispensable" to the action. All Goldwyn seeks, he said, is a declaration that United Artists breached its contract with him, and that Goldwyn has no complaint and seeks nothing from Korda or Fairbanks' Elton Corp.

George Wharton Pepper, counsel for United Artists, argued that Korda should be given his "day in court" before being judged a "contract breaker." He also pointed out that in Goldwyn's action against United Artists filed in New York in February, Korda is joined as a defendant.

The hearing will be continued Thursday.

English Parley Today

LONDON, May 22.—The conference between English Government tax officials and industry representatives, relative to possible application of the new purchase tax to films, has been postponed until tomorrow. It had been scheduled for today.



The CROOKED ROAD

with
EDMUND LOWE • IRENE HERVEY
HENRY WILCOXON • PAUL FIX

Directed by Phil Rosen
A REPUBLIC PICTURE

IRVING CUMMINGS

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and
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Brief,
Accurate
and
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VOL. 47. NO. 103

NEW YORK, U. S. A., FRIDAY, MAY 24, 1940

TEN CENTS

Paramount to Offer 45 to 50 Next Season

**Budget \$25,000,000; Also
Plan 86 Shorts**

LOS ANGELES, May 23.—Paramount will release 45 to 50 feature productions during the 1940-'41 season, the exact number to be determined later, Neil F. Agnew, vice-president and distribution head, will inform the company's annual sales convention, which opens at the Ambassador Hotel here tomorrow.

MOTION PICTURE DAILY reported last Jan. 25 in an exclusive interview in New York with Y. Frank Freeman, vice-president and studio head, following production conferences at the home office, that Paramount's new season schedule would number 44 to 48 features, or approximately 13 fewer than were announced for release during the current season.

In addition, Paramount will release 86 short subjects and 104 issues of Paramount News. The Robert Benchley and "World Windows"

(Continued on page 5)

'Russell' Big; Other B'way Houses Slow

With war news keeping many home listening to their radios, and threatening weather during most of the week, Broadway grosses continued at a low level. A notable exception was "Lillian Russell" which, with a stage show at the Roxy, had a big first week with an estimated \$54,000. "Waterloo Bridge" at the Capitol was good for an estimated \$36,000 while "Torrid Zone" with Sammy Kaye's band on the stage at the Strand grossed an estimated \$32,000. All three films are held over.

At the Music Hall, the second week of "My Son, My Son" with a stage show dropped off to an estimated \$60,000. "Irene" opened there yesterday.

Republic Sets Four Regional Meetings

HOLLYWOOD, May 23. — James R. Grainger, Republic president, today announced dates of four regional sales meetings for franchise holders, branch managers, salesmen and bookers. They are: Pacific Coast division, May 28 and 29 at San Francisco; Southern division, June 4 and 5 at Memphis; Midwest division, June 6 and 7 at Chicago, and Eastern division, June 11 and 12 in New York.

Walker Quips About Production by Fiat

Speaking before the Ampa yesterday, James J. Walker, former Mayor of New York declared, with reference to film legislation:

"The bankers have made quite a mess of attempting to make pictures. Politicians trying to make them is the only thing that could be funnier."

Studios Study Cuts To Meet War Status

HOLLYWOOD, May 23.—Duplicating the attitude shown at the outbreak of the European war last September, studio executives this week studied means of effecting operating economies without sacrificing screen quality. Only minor curtailments have been made.

Now as then, the first definite evidence of personnel reductions became visible in the publicity departments, with two or three companies making minor staff reductions. The general understanding is similar economies may be made in some other departments.

Postponing to the first of next week their departure for New York scheduled for tomorrow, Sidney R. Kent, president of 20th Century-Fox, and Charles E. McCarthy, director of advertising and publicity, are continuing

(Continued on page 4)

Film Leaders Pledge Aid To Refugee Relief Drive

More than 500 leading figures of the screen, radio and stage gathered at the Hotel Astor yesterday for the annual luncheon of the Amusement Division of the United Jewish Appeal for the cause of war relief and refugee aid.

David Bernstein, who presided, and who, with Major Albert Warner, is co-chairman of the division, described the luncheon as one of the best attended and most successful ever held. An increase of nearly 50 per cent over



David Bernstein

NEELY GROUP SEEKS MPPDA FUNDS DATA

English Industry Must Pay New Tax On Picture Rentals

LONDON, May 23.—Faced with possible conscription of capital and labor under England's new emergency war legislation, industry representatives today were told by Government tax spokesmen that the new purchase tax will be imposed on the industry.

Taking effect immediately following the enactment of appropriate legislation, the tax will be on a percentage basis on all rentals received by distributors. The amount has not as yet been designated, but it is expected to be 10 or perhaps 15 per cent. It is estimated that the revenue taxable will be \$11,000,000 annually.

The distributors immediately announced their intention of passing on the tax to exhibitors, in the form of an equivalent additional percentage on contracts. The exhibitors, with no alternative but to accept the increase, pointed out that it will necessitate increased admissions. This, based on the sliding upward scale of admission taxes, will mean increased revenue from the business.

House Committee Grills Pettijohn; Rodgers Scores Arnold

WASHINGTON, May 23.—Demands by members of the House Interstate and Foreign Commerce Committee

that full financial details of the Hays organization be submitted marked today's hearing on the Neely block booking bill. Later, William F. Rodgers, Loew's general sales manager, charged the Department of Justice with blocking the industry trade practice code last year.



W. F. Rodgers

Submitting Charles C. Pettijohn, general counsel, to nearly three hours of searching examination, the committee unsuccessfully sought to secure from him details of the set-up and finally indicated that it would call before it officials of the MPPDA qualified to provide the information sought.

Pettijohn testified that the income of the association, based on a percentage of the company members' gross income, was in the neighborhood of

(Continued on page 4)

See Early Decision In Goldwyn-UA Suit

PHILADELPHIA, May 23.—An early decision from the U. S. Circuit Court of Appeals on Samuel Goldwyn's action seeking a declaratory judgment that his United Artists releasing contract has been breached is expected following the close of arguments here today on Goldwyn's appeal from the lower court decision dismissing the action.

Max D. Steuer, attorney for Goldwyn, urged an early opinion from the court on the ground that a determination of the case is of urgent economic importance to the producer. The court's decision is expected within a month, whereas ordinarily opinions are not handed down by the court for at least three months after hearings.

Steuer said that if the lower court is reversed trial of Goldwyn's action against United Artists will proceed immediately.

(Continued on page 4)

Pittsburgh Variety Club Aids Shut-ins

Pittsburgh, May 23.—Twelve film shows will be presented to shut-ins by Variety Club's traveling theatre during the next five weeks in various hospitals and homes.

Pictures to be shown will be "Gulliver's Travels," "Huckleberry Finn," "Nurse Edith Cavell," "Andy Hardy Gets Spring Fever," "Little Princess," "First Love," "Judge Hardy and Son" and "Always in Trouble."

Catholic Unit Warns Against Indecency

A trend toward indecencies in current and recent films was noted by several speakers at the annual luncheon of the Motion Picture Department of the International Federation of Catholic Alumnae this week at the Hotel Roosevelt. Hope was expressed that the reduction of foreign revenues would not tempt producers to insert offensive material under the false impression of thus increasing attendance.

Mrs. James F. Loomam, chairman of the department, presided. Guests of honor were: Rev. Francis X. Talbott, S. J., editor of *America*; Rev. Gerard Donnelly, S. J., of the staff of *America*; Rev. John J. McClafferty, executive secretary of the Legion of Decency; Patrick Scanlan, managing editor of *The Tablet*; Charles Ridder, publisher, and Richard Reid, managing editor of *The Catholic News*.

Lab Union Seeking I. A. Help in Drive

In an effort to obtain 100 per cent unionization of all film laboratories in the Metropolitan area, the executive board of Laboratory Technicians Union, Local 702, voted yesterday to call for the assistance of the I.A.T.S.E., its parent body, and all I.A. locals in a drive to get recognition and contracts from the six or seven laboratories not yet unionized. In the three years of its existence, Local 702 has obtained contracts with 11 laboratories in the East covering over 1,000 employees.

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the luncheon and
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Sole agents in New York
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BLUM'S ALMONDETTES

from

San Francisco, California

Personal Mention

LOUIS B. MAYER, vice-president in charge of production for M-G-M, arrived here late Wednesday evening for home office conferences.

ROBERT BENJAMIN, attorney associated with Louis & Nizer returns from the Coast on Tuesday.

AGNES LYNOTT, secretary to CRESSON E. SMITH, Western sales manager for RKO, will leave today for vacation in Miami.

ARTHUR MAYER, IRVING SHAPIRO, ARTHUR SILVERSTONE and HARRY GOLD at Lindy's (next to the Rivoli) yesterday for lunch.

MILES A. GOLDRICK, assistant foreign manager of Erpi, left yesterday on a tour of inspection of the company's offices in the Far East. Before leaving by *China Clipper* May 28, he will confer with officials in Hollywood.

JOHN JOSEPH, Universal advertising and publicity director, is due on the Coast today from the convention in Chicago.

VICTOR JURGENS, staff cameraman of the March of Time, arrives in San Francisco from the Far East today with Mrs. JURGENS and will come on here after a visit in the Midwest.

JERRY CUSHMAN has replaced ISADORE DANOWSKI as manager of the Rivoli, St. Joseph, Mo.

MRS. PAT RUSSELL has returned to her desk at the Warner exchange in Des Moines, after a three-week absence for an operation.

CHARLES CASANAVE, head of C Advertising Accessories, is on the Coast attending the Paramount convention, due to return the early part of next week.

MAX FRIED resigns his booker's post at Warners today to join Century Circuit as Long Island booker.

GEORGE D. TYSON, publicity director of Harris Amusement Co., Pittsburgh, was married last November to RUTH MILLER, dance director, it has just been disclosed.

FRANCIS S. HARMON, Eastern head of the Production Code Administration, addressed the board of the National Federation of Women's Clubs on self-regulation in the industry at Milwaukee yesterday.

TOM JEFFERSON of the Paramount home office, is in Providence, doing exploitation at the Strand.

HAROLD BERNSTEIN, manager of the suburban Plaza, Cincinnati, will leave next week for a month's vacation in California.

DAVE BLUM, MORT SPRING, GERTRUDE LAWRENCE, RICHARD ALDRICH, NAT KARSON, TONY MARTIN, MARTIN BECK, LEE SHUBERT and EDDIE DOWLING lunching at Sardi's yesterday.

PAUL AMICK has been named manager of the Ritz at McPherson, Kan., by Baker Enterprises.

GRACE McDONALD, daughter of WILLIAM McDONNELL, Quigley Publications circulation manager, will arrive from the Coast by plane today following an acting assignment at the Paramount studio.

Walker Hits Government's Interference in Industry

James J. Walker, former Mayor of New York, scored Government interference in the film industry, in a speech at the Ampa meeting at Jack Dempsey's Restaurant yesterday.

Appearing as guest of honor, Walker pointed out the intangibility of showmanship, and declared, "The Government cannot legislate for showmanship."

With the current large number of industry suits and attempts to legislate the business, Walker expressed the belief that some sort of reorganization of the business is necessary. Certain legislation may have a wholesome purpose, he said, but improper drafting of its terms may defeat the entire purpose for which it was conceived.

Admitting no intimate knowledge of the Neely block booking bill, currently the subject of public hearings in Washington, Walker said it appears to him an ideal situation, for some sort of compromise. In the controversy over the measure, he declared he saw evidence of a "stubbornness on all sides" and an "unwillingness to admit something is wrong."

"The industry is not as flexible as it could be for its own good," he said, and deplored the enormous amounts of money being spent in fighting court

actions and in the contesting of proposed legislation. "This money is coming out of the industry," he said, declaring that such a waste "never did any industry any good."

The film business "is too important an industry to wear itself out in internal struggles," the former Mayor said. He cited the attempts in which he was engaged in 1921 to set up a National Motion Picture Chamber of Commerce, in which Adolph Zukor and the late Marcus Loew concurred. Walker pointed out that that was a producer idea for mutual discussion of problems by all phases of the industry, but that it was turned down by "an element of exhibitors." Walker at that time represented the M.P.T.O.A.

Walker made a stirring appeal for the United Jewish Appeal. Leon Bamberger presided at the meeting.

Mayo Sues Goldwyn

LOS ANGELES, May 23.—Archie Mayo, director, has filed suit in Superior Court here seeking clarification of his contract with Samuel Goldwyn. He protests an English assignment, declaring that conditions have so changed there that work would be dangerous.

Newsreel Parade

War news is the main feature in all of the new issues. The reels and their contents follow:

MOVIE TONE NEWS, No. 74—Total war; cities destroyed; refugees in Belgium; British forces at front; French guns in action. Launch new submarine here. Pilots trained in Texas. Boy Scout jamboree in New York. Fur fashions. Diving in Sydney.

NEWS OF THE DAY, No. 272—War on the western front. Mrs. Roosevelt gives Red Cross support. Test new plane on Long Island. Boy Scouts in New York. Steeplechase race in Pennsylvania.

PARAMOUNT NEWS, No. 77—Pershing consulted on war. Demonstrate new plane for vertical flight. "Typical family" at Fair. Allies reinforce front lines. German bomb attacks on Coast. Cities destroyed in Belgium. Refugees in France. Red Cross appeal.

UNIVERSAL NEWSREEL, No. 878—Belgium cities destroyed, civilians in exodus. German attack on French convoy. Mrs. Roosevelt in Red Cross appeal. Launch new destroyers in Washington. Helicopter in test flight. Tulip festival in Michigan. Fire in New York. Fur fashions. Withers Mile, horse race. Water skiing in Washington.

RKO PATHE NEWS, No. 89—Nazi planes raid French troopship. Debris in Belgium, survivors flee. Mrs. Roosevelt voices Red Cross appeal. Test new windmill plane. German army in Norway.

Music Hall Reception For 'Irene' Opening

Anna Neagle and W. G. Van Schmus, managing director of the Radio City Music Hall, were hosts yesterday at a reception in the Music Hall studio signaling the opening of RKO's "Irene" at the theatre. Miss Neagle is the star of the film. Among those present were members of the "Irene Club," consisting of actresses who 20 years ago were in the original "Irene" cast, and the following: George J. Schaefer, RKO president; Ned E. Depinet, Gus Eysell, S. Barret McCormick, Cresson Smith, Andy Smith, Sam Shain, Jack Alicoate, Mr. and Mrs. Peter Rathvon, Leon Leonidoff, A-Mike Vogel, Russell Markert, Gene Synder, Harry Tierney, Fred Lynch, Nancy Woodbury, William Boehnel, George Ross, Frank Farrell, Eileen Creelman, Wanda Hale, Julia McCarthy and Rutgers Neilson.

'Ghost' Opening June 7

Paramount has scheduled the world premiere of its "The Ghost Breakers," co-starring Bob Hope and Paulette Goddard, for June 7 at the Michigan Theatre, Detroit. Cast members will make personal appearances.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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WALTER WANGER

*is proud to announce to exhibitors everywhere a policy of
outstanding attractions exclusively, and that associated
with him in the first two productions will
be 1940's foremost directors*

JOHN FORD

*director of the prize-winning "Stagecoach" and
"The Grapes of Wrath" who will direct Eugene O'Neill's*

THE LONG VOYAGE HOME

for the Argosy Corporation

ALFRED HITCHCOCK

director of "Rebecca" who now has in production

FOREIGN CORRESPONDENT

RELEASED THRU
UNITED ARTISTS

Film Leaders Pledge Aid to Appeal Drive

(Continued from page 1)

stricken," Rabbi Silver said. "If the millions of those who have been driven into exile are to be helped, if the hungry are to be fed, the naked clad, the homeless sheltered—it is only we in America who can provide the means to save them.

"The great national relief appeals which are being made in our country today, such as the United Jewish Appeal, in behalf of suffering humanity, are encouraging evidences of a firm resolve on the part of men and women who are still free, to strengthen the common bond of humanity, and to reintegrate the shattered spiritual life of the world. Today many loud voices—hard and cruel voices—are shouting into the confusion of our day, words of division and of hate."

Other officers of the Amusement Division, beside Bernstein and Warner, include: Barney Balaban, Nate J. Blumberg, Jack Cohn, Joseph M. Schenck, Nicholas M. Schenck, Lee Shubert and Murray Silverstone.



Albert Warner

Studios Study Cuts To Meet War Status

(Continued from page 1)

conferences with Darryl F. Zanuck and William Goetz concerning steps to bring costs into harmony with foreign revenues.

No economy moves are considered likely at M-G-M until Louis B. Mayer returns from New York where he is understood to be conferring with home office executives on the matter.

Universal studio heads today were instructed to re-examine expenditures in view of the foreign situation, but not at the expense of personnel if possible. This studio has not been overmanned since the company's reorganization, it was said.

Jack L. Warner has stressed the need of bringing about controllable economies through tightening operations, without reducing personnel. His remarks were in key with his statement of last September.

Defense Wins Time In Cassil's Action

KANSAS CITY, May 23.—The Federal court at St. Joseph, Mo., has granted major distributors and the Dubinsky Brothers circuit, defendants in the suit of Frank Cassil of the Rialto there for damage of \$450,000, 20 days more to June 11, in which to file their answer.

Seek Perkerson Story

ATLANTA, May 23.—Republic is negotiating Medora F. Perkerson for her mystery novel, "Who Killed Aunt Maggie?"

Neely Committee Demands MPPDA's Financial Data

(Continued from page 1)

\$450,000 a year, little more than half what it was up to two or three years ago.

Earlier in the hearing, Pettijohn submitted the Tiffany-Stahl franchise agreement made by Allied States in 1929 to show, he said, that the independent exhibitors themselves had been guilty of the same practices which they now charged against the companies.

That contract, he told the committee, block-booked and blind-sold exhibitors for five years and forced them also to take shorts, all at prices which were to be determined later on a basis that the exhibition value of a picture was to be three times its cost.

Pettijohn and Abram F. Myers clashed when the former said the Allied counsel was a representative of the distributors under that contract, but Myers claimed and the contract bore him out that he was not so designated but was to be one of three members of a board for arbitration purposes.

During his examination, Pettijohn told the committee that efforts had been made from time to time to negotiate a settlement of controversies between exhibitors and distributors, but that "first one side, then the other would blow up."

"Now," he said, "Thurman Arnold says we cannot even sit around the table."

Demand for information regarding the MPPDA was made by Rep. James P. McGranery (Dem., Pa.), referring to the lobby which proponents had charged the industry with conducting against the bill. Pettijohn declared that the association had two men in Washington and one on the West Coast whose duties, however, involved many things besides legislation, and that he had spent less than \$2,000 in fighting the bill. The propaganda, he asserted, had been conducted and paid for by persons in the industry who saw in the bill a menace to their business or jobs.

He told the committee that he could not give exact information as to the association's finances, but Rep. Charles A. Wolverton (Rep., N. J.), a former prosecuting attorney, finally took over the questioning and secured from Pettijohn a general idea of the organization's set-up.

Rep. Wolverton then led the questioning around to the New York suit, asking Pettijohn if he could not agree that the block booking practices alleged by the government, if they actually existed, would be a violation of the Sherman Act.

Pettijohn agreed unhesitatingly that such would be the case, but pointed out that "allegation is not proof" and that the issue will be fought out in court, beginning next month, and that the industry then will know where it stands and can govern itself accordingly. "I think, in view of your contention that the practice would not be a violation of the law, it might be for this committee to decide whether the trade practice was such as to require legislation," the Congressman commented.

Rep. Lyle Boren (Dem., Okla.) told the committee he would like to hear from such men as Louis B. Mayer, who had been experienced in every branch of the industry, and urged

Pettijohn to present such witnesses for questioning.

The Department of Justice was charged by William Rodgers, M-G-M sales manager, with refusing to take any stand on the proposed trade code last year, until, after three drafts had been submitted and the exhibitors were urging it be put into effect, the distributors told the Department they were about to adopt it, when Assistant Attorney General Arnold threatened additional prosecutions if they did so.

Rodgers told the committee the agreement had been approved by all organized exhibitor groups, including Allied which later pulled out, adding "but in many years of experience it has not been unusual for them to deny agreements which have been made."

"The principal proponents of the bill have little if any investment in this business and have contributed nothing to its development and are seeking merely a trade advantage," he charged.

The bill, however, will correct none of the problems of which they complain, but will "only create havoc" and "the rank and file of theatre owners" do not want it, he asserted.

Questioned as the English system, he said the normal charge there is 50 percent, but Rep. McGranery held that not to be unreasonable in view of the 70 percent charged for "Gone With the Wind." That picture, Rodgers retorted, cost \$5,000,000 to produce and has been "the most costly distribution yet undertaken," with \$80,000 to \$90,000 already spent in checking.

He declared if the bill is passed all pictures will be sold singly and that it is impossible to furnish a synopsis, adding that Allied has been the only group to demand one. Only one other company besides M-G-M would be able to stand the strain of so doing business, he asserted, and his company undoubtedly would cut production 25 percent.

Rodgers told the committee it has received much misinformation and would have done better had witnesses been sworn.

Foreign Film Houses Are Watched by FBI

Agents of the Federal Bureau of Investigation are investigating the German language film market in this country as a precaution against "fifth column" activities. Operations of all foreign language houses are being watched.

There are about 175 foreign language houses in 85 cities in 25 states, with 23 of the theatres in New York. Forty-one of the 175 houses play German pictures, but 76 of the total show foreign product only occasionally.

Washington called the investigation "a routine matter in the light of present conditions." Last week it was disclosed that a New Jersey theatre showing German films had offered free admission to any patron supplying the names of six German friends.

Russia Buys 'Waltz'

The Soviet Government, through Artkino Pictures, has purchased Russian distribution rights to M-G-M's "The Great Waltz."

Neely Bill Called Unconstitutional

The Neely bill is held to be unconstitutional and "utterly incapable" of insuring the advantages its proponents claim for it, in a study of the measure made by Benjamin Werne, editor of the Annual Survey of Economic Legislation, just published by N. Y. U. School of Law in its Contemporary Law Pamphlets.

The bill "paves the way to private pressure group censorship" of films, says Werne.

Boston Celebrates 'Our Town' Opening

BOSTON, May 23.—With Gov. Francis P. Murphy of New Hampshire and Governor Saltonstall of Massachusetts heading the welcoming group, the premiere of "Our Town" was held at Loew's State and Orpheum theatres here tonight with Hollywood fanfare. Mayor Maurice J. Tobin officially decreed this "Our Town Day."

Included in the two-day celebration was a special welcome for Sol Lesser, producer of the United Artists film; Thornton Wilder, author of the play, and Aaron Copland, the film's music director, as well as Fay Bainter, Beulah Bondi and Frank Craven of the cast.

A delegation of 100 persons came from Peterborough, N. H., the scene of "Our Town." Here for the opening are mayors of 10 New England cities and representatives of all New England daily newspapers.

Despite rain and cold weather, the Orpheum grossed \$3,650 for the day and the State garnered \$2,850, according to the management. More than 1,500 thronged in front of the State for the premiere.

Weisman Seeking Reduction of Bond

Milton C. Weisman, as former receiver of Fox Theatres Corp., yesterday obtained a show cause order from Federal Judge John C. Knox for the reduction of his bond from \$100,000 to \$7,500.

The application, returnable on June 7, points out that Weisman has surrendered all but \$7,500 of Fox assets to himself and Kenneth E. Steinreich as trustees under the plan of dissolution. The balance in Weisman's hands as receiver are to take care of incidental expenses, papers stated.

U. S. Farm Films Win

Three American films won prizes in the first international competition for agricultural films in Rome, according to advices received here. The three were: "Poultry, a Million Dollar Industry," "Clouds—a Weather Forecast" and "Sugar Cane Production."

Darby Fights Carnivals

DARBY, Pa., May 23.—Civic leaders in Darby, adjoining Philadelphia, have threatened to ask state aid to ban allegedly objectionable carnival shows playing under sponsorship of clubs and Legion groups.

Paramount to Offer 45 to 50 Next Season

(Continued from page 1)

shorts series have been added. No feature length cartoon is scheduled. Agnew will announce titles of 34 of the company's new season productions at tomorrow's session. The 1940-'41 production budget will aggregate approximately \$25,000,000, the members of the sales force attending the convention will be informed. The budget is approximately the same as for the current season despite the smaller number of productions, and thus will make possible

Para. Ad Budget Set at \$2,000,000

Los Angeles, May 23. — Paramount has set up a \$2,000,000 advertising budget for the 1940-'41 season, Robert M. Gillham, director of advertising and publicity, will inform the company's annual sales convention which opens at the Ambassador Hotel here tomorrow.

an increase of about \$100,000 per picture to the new season production outlay.

The program was planned with current and probable world conditions thoroughly in mind, Agnew will tell the convention.

"Paramount believes that during the next year entertainment will play an even more vital part in the lives of all of us than it ever has in the past," Agnew states. "We will need as never before the antidote of laughter, music, romance and thrills. We will leave the problem and propaganda pictures to the others, and will give the world the laughs and escapist excitement it needs."

Colbert, Douglas in 'Skylark'

Among the company's new season productions will be the Broadway stage success, "Skylark," in which Claudette Colbert and Melvyn Douglas will co-star, with Mark Sandrich directing; also, the Broadway success, "Kiss the Boys Goodbye," starring Mary Martin, and Ray Milland.

Cecil B. DeMille is down for three productions during the next two years. One is tentatively titled "Queen of Queens," a story of Mary, the Mother of Jesus, planned as a companion production to his "King of Kings," "The Ten Commandments" and "Sign of the Cross," and will be made in color. The others are: "Reap the Wild Wind," Thelma Strable's best-seller, and "Rurales," story of the Mexican police.

Romantic dramas will include: "Arise My Love," starring Claudette Colbert and Joel McCrea, with Mitchell Leisen directing; "The Silver Queen," starring Claire Trevor, and directed by Allan Dwan; "Virginia," with Madeleine Carroll, Franchot Tone, Ray Milland and Carolyn Lee, to be directed by Edward H. Griffith; "I Want a Divorce," co-starring Joan Blondell and Dick Powell; a William A. Wellman production, "The City That Never Sleeps," starring Barbara Stanwyck, Joel McCrea and Eddie

Paramount Executives at Sales Meeting



BARNEY BALABAN
President of
Paramount



ADOLPH ZUKOR
Chairman of
Board



NEIL AGNEW
Vice-President of
Distribution



FRANK FREEMAN
Vice-President of
Studio



JOHN W. HICKS
Vice-President
Foreign



J. J. UNGER
Eastern Sales
Manager



OSCAR MORGAN
Southern Sales
Manager



CHAS. REAGAN
Western Sales
Manager



WM. LE BARON
Managing Director
Production



R. M. GILLHAM
Director Publicity
and Advertising

Bracken; "The Aldrich Family in Life With Henry," with Jackie Cooper, Leila Ernst, Eddie Bracken and Hedda Hooper, directed by Jay Theodore Reed; "There's Always Juliet," starring Madeleine Carroll and Fred MacMurray, with E. H. Griffith directing, and "The New Yorkers," a Preston Sturges story with Dick Powell and Ellen Drew, which Sturges will direct.

In Paramount's comedies-with-music group the following productions are listed: "Love Thy Neighbor," starring Jack Benny, Fred Allen and Mary Martin, with Mark Sandrich directing; "Rhythm on the River," with Bing Crosby, Mary Martin, Basil Rathbone and Oscar Levant, with Victor Schertzinger directing; "The Road to Zanzibar," starring Bing Crosby, Bob Hope and Dorothy Lamour; "Dancing on a Dime," featuring Grace McDonald, Robert Paige, Peter Hayes, Eddie Quillan, Frank Jenks, Virginia Dale, Carole Adams, Lillian Cornell and William Frawley, with Joseph Santley directing.

Other Musicals

Also, "There's Magic in Music," starring Allan Jones, with Susanna Foster; a musical starring Orrin Tucker and his band and Bonnie Baker, and "Second Chorus," starring Artie Shaw and his band.

"Second Chorus" will be made by National Pictures Corp., headed by Boris Morros and Robert Stillman, as will the action picture, "The American Vagabond," based on the life of O. Henry and starring Douglas Fairbanks, Jr., also on the Paramount list.

Other action pictures on the new season list include: "The Shepherd of the Hills," based on the Harold Bell Wright novel, to be made in color,

co-starring Betty Field and Robert Preston and directed by Henry Hathaway; "Rangers of Fortune," with Fred MacMurray, Patricia Morison, Albert Dekker and Gilbert Roland, to be directed by Sam Wood; "Aloma of the South Seas," in color, with Jon Hall and Dorothy Lamour; "Victory," the Joseph Conrad story, starring Fredric March and Betty Field, with Sir Cedric Hardwicke; "Sunrise in My Pocket," a story of the Alamo with an all-star cast to be directed by Henry Hathaway; "Birth of a Hero," with William Holden, Maria Ouspenskaya and Albert Dekker; "Touchdown," a 1940 football picture; and "The Roundup," with Don Wilson.

'Cherokee Strip' Scheduled

Also: the tentatively titled "Cherokee Strip"; Peter B. Kyne's "Parson of the Panimint"; the Jack Moss production "Dead on Arrival," a mystery story to be directed by Stuart Heisler; "I Wanted Wings," a story of America's air heroes; "Texas," starring Ellen Drew and John Howard with May Robson, Akim Tamiroff, Broderick Crawford and Anthony Quinn, with James Hogan directing; "A Date With Destiny," with John Howard, Ellen Drew and Basil Rathbone; "Mystery Sea Raider," with Carole Landis, Henry Wilcoxon and Onslow Stevens.

At least five additional features will be added to the list subsequently, Agnew said, and there will also be six feature length Hopalong Cassidy westerns, produced by Harry Sherman and starring William Boyd.

The short subjects will include a one-reel comedy series starring Robert Benchley; 12 Max Fleischer "Popeye" cartoons; eight Paramount Paragraphics, eight Max Fleischer "Gaby" cartoons; eight Paramount

Film Stocks Hold

Firm, Market Off

Film stocks held relatively firm yesterday although the market generally showed losses. Film securities for the most part showed fractional gains and losses. The bond market was weak with Paramount convertible 3½s '47 dropping 6 points to 78. Eastman Kodak preferred dropped 2½ points to 159, though the common remained unchanged at 131. Paramount first preferred dropped 1 to 64, the second preferred dropped ½ to 63½ while the common was unchanged at 45½. Universal Pictures preferred was off 2 points to 63.

Warner debentures 6s '48 were off 2 to 80. Paramount Broadway 3-5½s, '55 picked up a point to 46. Universal Corp. rose 5½ to 35½. Others were: RKO, ¾ up ⅛; American Seating, 6¾ up ¾; Columbia, common, 4 up ⅛; Columbia, preferred, 15, unchanged; 20th Century-Fox, common, 5½ up ⅛; 20th Century-Fox, preferred, 14½ off ⅛; Technicolor, 9½ up ⅛; General Theatre Equipment, 7¾ off ¾; Loew's 21¾ off ½; Pathe Film, 6½ off ¼; Warner, common, 2½, unchanged; Trans-Lux, 1, unchanged; B. F. Keith refunding, 6s '46, 100½ off ½; Loew's debentures 3½s '46, 101½ off ⅛.

Headliners: 13 Grantland Rice Sportlights; six Popular Science Cinecolor shorts; six "Unusual Occupations," also in Cinecolor; "Raggedy Anne," a two-reel cartoon in color and six "World Window" travelogues in color.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



Book these **PARAMOUNT SHORTS** when you book your features!

100%
BOX OFFICE
tested

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAI	WARNERS
Apr. 26	Doctor Takes a Wife (A-C) Ray Milland	Forty Little Mothers (A-C) Eddie Cantor	Mysterious Mr. Reeder (D) Will Fyfe Kay Walsh	French Without Tears (A-C) Drew-Milland	Covered Wagon Days (O) Grandpa Goes to Town (G-C)	Curtain Call (G-D) Helen Vinson	Shooting High (G-O) Gene Autry			An Angel from Texas (C) Albert-R. Lane
May 3	Man from Tumbleweeds (O) Bill Elliott	20 Mule Team (G-D) W. Berry Leo Carrillo	Land of the Six Gun (O) Jack Randall	Buck Benny Rides Again (C) Jack Benny	Crooked Road (D) Edmund Lowe Irene Hervey	Irene (G-D) Anna Neagle Ray Milland	So This Is London (C) George Sanders	Saps at Sea (G-C) Laurel-Hardy	If I Had My Way (G-M) Bing Crosby	Tear Gas Squad (D) John Payne Dennis Morgan
May 10		Edison, the Man (G-D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (G-C) Charlie Ruggles Janice Logan	Gauche Serenade (O) Gene Autry Smiley Burnett	Beyond Tomorrow (G-D) Binnie Barnes	I Was An Adventuress (G-D) Zorina-Greene		Ski Patrol (G-D) Lulu Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley
May 17	Babies for Sale (D) Glenn Ford R. Hudson	Waterloo Bridge (A-D) Robert Taylor Vivien Leigh		Typhoon (D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (A-C) Carole Landis Adolph Menjou	Alias the Deacon (G-C) Bob Burns Mischa Auer	Flight Angels (G-D) V. Bruce R. Bellamy
May 24	Isle of Doomed Men (D) Texas Stagecoach (O)		Kid From Santa Fe (O) Jack Randall	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (A-C) Lucille Ball	Lillian Russell (G-M) Don Ameche Alice Faye	Our Town (A-D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Torrid Zone (A-C) Cagney-O'Brien Ann Sheridan
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Phantom Raiders (D) Walter Pidgeon Florence Rice	Riders from Nowhere (O) Jack Randall	Those Were the Days (G-C) Wm. Holden B. Granville		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Marriage in Transit (C) Robert Sterling Virginia Gilmore	La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Littel	Murder in the Air (D) Ronald Reagan John Littel
June 7	Passport to Alcatraz (D) Jack Holt Noah Berry, Jr.	Susan and God (D) Fredric March Joan Crawford		Hidden Gold (G-O) William Boyd Russell Hayden	Women in War (D) Elsie Janis Wendy Barrie	Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (D) Warner Baxter Andra Leeds	No Exit (D) Wallace Ford Kathryn Adams	Brother Orchid (D) Ed. G. Robinson Bogart-Sothern	Brother Orchid (D) Ed. G. Robinson Bogart-Sothern
June 14	Girls of the Road (D) Lola Lane Helen Mack	The Mortal Storm (D) M. Sullivan Jinny Stewart	On the Spot (D) Frankie Darro Mary Korman	Safari (D) Fairbanks, Jr. M. Carroll		Tom Brown's School Days (D) F. Bartholomew Sir C. Hardwicke	Four Sons (D) Don Ameche Alan Curtis	Sandy Is a Lady (G-C) Baby Sandy Nan Gray	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks
June 21		The Captain Is a Lady (D) Virginia Grey Billie Burke	Queen of the Yukon (O) Wild Horse Range (O)	The Ghost Breakers (C) Bob Hope P. Goddard		Thousand Dollar Marriage (C) Leon Errol	Charlie Chan's Murder Cruise (D) Sidney Toler	I Can't Give You Anything But Love, Baby (M) B. Crawford	Gambling on the High Sea (D) Wayne Morris	Gambling on the High Sea (D) Wayne Morris
June 28	Blondie Has Servant Trouble Return of Wild Bill (O)	New Moon (M) Nelson Eddy J. MacDonald	Ridin' the Trail (O) Fred Scott Last Alarm (D)	Queen of the Mob (D) Ralph Bellamy Blanche Yurka		Anne of Windy Poplars (D) James Ellison	Lucky Cisco Kid (O) Cesar Romero Evelyn Venable		All This and Heaven Too (D) Betty Davis Charles Boyer	All This and Heaven Too (D) Betty Davis Charles Boyer
July 5	Out West With the Peppers Edith Fellows			Way of All Flesh (D) Tamiroff Gladys George		Dr. Christian Meets the Women (D) Jean Hersholt	Sailor's Lady (D) Nancy Kelly Jon Hall		One of the Boston Bulletins (C) Hugh Herbert	One of the Boston Bulletins (C) Hugh Herbert
July 12	West of Abilene (O) Chas. Starrett		Stagecoach War (O) Bill Boyd Russell Hayden			Millionaires in Prison (D) Lee Tracy Linda Hayes	Girl in 313 (D) Florence Rice Kent Taylor		Black Diamonds (D) Richard Arlen Andy Devine	Black Diamonds (D) Richard Arlen Andy Devine

'Buck Benny' Is Twin Cities High Scorer

Minneapolis, May 23. — "Buck Benny Rides Again" got the best business in both the twin cities. At the State in Minneapolis, the take was \$6,300, and at the Paramount in St. Paul \$4,000.

Estimated takings for the week ending May 16:

Minneapolis

"Light of Western Stars" (Para.)
 "Courageous Dr. Christian" (RKO)
 "One Was Beautiful" (M-G-M)
 "Enemy Agent" (Univ.)
 ASTER—(900) (15c-25c) 7 days. Split bills. Gross: \$2,300. (Average, \$1,800)
 "It's a Date" (Univ.)
 CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: \$3,000. (Average, \$4,000)
 "Dr. Kildare's Strange Case" (M-G-M)
 GOPHER—(990) (25c) 7 days. Gross: \$3,000. (Average, \$2,500)
 "Irene" (RKO)
 ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$6,200. (Average, \$5,500)
 "Buck Benny Rides Again" (Para.)
 STATE—(2,300) (25c-40c) 7 days. Gross: \$6,300. (Average, \$5,500)
 "Abe Lincoln in Illinois" (RKO)
 WORLD—(400) (25c-40c) 7 days, 3rd week. Gross: \$1,300. (Average, \$1,600)

St. Paul

"Million Dollar Playboy" (RKO)
 "Congo Maisie" (M-G-M)
 "Light of Western Stars" (Para.)
 "Ghost Comes Home" (M-G-M)
 TOWER—(1,000) (25c) 7 days, split week. Gross: \$2,300. (Average, \$1,800)
 "Irene" (RKO)
 ORPHEUM—(2,000) (25c-40c) 7 days. Gross: \$3,800. (Average, \$4,000)
 "Buck Benny Rides Again" (Para.)
 PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$4,000. (Average, \$4,500)
 "Castle on the Hudson" (W. B.)
 "Adventure in Diamonds" (Para.)
 RIVIERA—(1,000) (25c) 7 days, split week. Gross: \$1,900. (Average, \$1,800)
 "It's a Date" (Univ.)
 WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: \$1,200. (Average, \$1,000)

Pittsburgh Grosses Suffer Sharp Drop

PITTSBURGH, May 23. — Spring's lowest grosses, attributed to alternating heat and chilly rains and the parking lot strike included \$10,000 for "Primrose Path" at Loew's Penn and \$13,000 for "Dr. Cyclops" and vaudeville at the Stanley.

Estimated takings for the week ending May 16:

"Dark Command" (Rep.)
 ALVIN—(1,800) (25c-35c-50c) 6 days. Gross: \$5,000. (Average, \$7,000)
 "Alias the Deacon" (Univ.)
 "Zanzibar" (Univ.)
 FULTON—(1,700) (25c-40c) 7 days. Gross: \$2,400. (Average, \$5,000)
 "Primrose Path" (RKO)
 LOEW'S PENN—(3,400) (25c-35c-50c) 7 days. Gross: \$10,000. (Average, \$13,000)
 "French Without Tears" (Para.)
 "Adventure in Diamonds" (Para.)
 RITZ—(800) (25c-40c) 7 days. Gross: \$2,500. (Average, \$4,000)
 "If I Had My Way" (Univ.)
 SENATOR—(1,700) (25c-35c-50c) 7 days, 2nd week. Gross: \$2,000. (Average, \$3,000)
 "Dr. Cyclops" (Para.)
 STANLEY—(3,700) (25c-40c-60c). On stage: Tommy Riggs, Vilma and Buddy Ebsen, Beverly Roberts, Jack Durant, Shyrettos, Max Adkins orchestra, 7 days. Gross: \$13,000. (Average, \$17,000)
 "Buck Benny Rides Again" (Para.)
 WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week. Gross: \$4,000. (Average, \$5,000)

Transfer Spaeth Suit

Suit of Sigmund Spaeth against Warners for \$500,000 damages has been transferred from the N. Y. Supreme Court to the U. S. District Court. Spaeth claims that he was libeled by the part of Professor Hardwick in the Warner film, "Naughty But Nice."

Even Have Pictures

Worcester, Mass., May 23. — Harry Shaw and Lou Brown of the Loew-Poli division have worked out a nightly special inducement calendar for the Plaza here. Bathing Beauty contests are set for Mondays; Ten-O-Win, Tuesdays; Country Store, Wednesdays; Uproar Hour, Thursdays; Ten-O-Win, Fridays; and Amateur contest, Saturdays.

P. S.—Films are also shown.

'Again,' King Band \$17,700 in Buffalo

BUFFALO, May 23. — Boosted by Wayne King and his orchestra on the stage, "Till We Meet Again" drew \$17,700 at the Buffalo. "The Doctor Takes a Wife" at the Lafayette brought \$8,000.

Estimated takings for the week ending May 18:

"Till We Meet Again" (W. B.)
 BUFFALO—(3,489) (30c-35c-55c) 7 days. Wayne King and his orchestra on stage, with the Tanner Sisters, Gene Sheldon, Lotretta Fischer, Lynn, Royce & Vanya. Gross: \$17,700. (Average, \$12,000)
 "The House Across the Bay" (U. A.)
 "An Angel from Texas" (W. B.)
 GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$8,000. (Average, \$7,500)
 "One Million B. C." (U. A.)
 "Opened by Mistake" (Para.)
 HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$6,800. (Average, \$6,800)
 "Irene" (RKO)
 "Forgotten Girls" (Rep.)
 TWENTIETH CENTURY—(3,000) (25c-35c) 7 days, 2nd week. Gross: \$7,000. (Average, \$7,500)
 "The Doctor Takes a Wife" (Col.)
 "Men Without Souls" (Col.)
 LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$8,000. (Average, \$6,300)

'Buck Benny' Hits \$14,000 in Detroit

DETROIT, May 23. — "Buck Benny Rides Again" and "Adventure in Diamonds," with \$14,000 at the Michigan, led the field. "If I Had My Way" and "Ski Patrol" attracted \$12,000 at the Fox.

Estimated takings for the week ending May 17:

"The Doctor Takes a Wife" (Col.)
 "Dark Command" (Rep.)
 ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
 "Broadway Melody of 1940" (M-G-M)
 "Raffles" (U. A.)
 FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,500. (Average, \$7,000)
 "If I Had My Way" (Univ.)
 "Ski Patrol" (Univ.)
 FOX—(5,000) (20c-55c) 7 days. Gross: \$12,000. (Average, \$15,000)
 "Buck Benny Rides Again" (Para.)
 "Adventure in Diamonds" (Para.)
 MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$14,000. (Average, \$12,000)
 "Dr. Cyclops" (Para.)
 "Women Without Names" (Para.)
 PALAIS—(2,000) (15c-50c) 7 days. Gross: \$8,000. (Average, \$7,000)
 "20 Mule Team" (M-G-M)
 "And One Was Beautiful" (M-G-M)
 UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$9,000. (Average, \$10,000)

Empire Meeting Set

TORONTO, May 23. — Empire-Universal Films, Ltd., will hold its annual sales convention in Toronto about June 15 when branch managers and salesmen will hear talks by Universal and Republic executives from the United States and an outline of British releases for the coming season. Preparations are in the hands of Oscar Hanson, president; Paul Nathanson, vice-president, and Clair Hague, who recently returned from the Universal convention in Atlantic City.

'Irene,' Horror Bill Best in Providence

PROVIDENCE, May 23. — Bringing in "Irene" two days early to supplant the double horror bill, "Demon Barber of Fleet Street" and "The Return of the Frog," the RKO Albee for the week drew \$7,200. Business elsewhere was off.

Estimated takings for the week ending May 15-16:

"The Return of the Frog" (Select) (5 days)
 "Demon Barber of Fleet Street" (Select) (5 days)
 "Irene" (RKO) (2 days)
 "Alias, the Deacon" (Univ.) (2 days)
 RKO ALBEE—(2,239) (25c-35c-50c). Gross: \$7,200. (Average, \$6,000)
 "20 Mule Team" (M-G-M)
 "40 Little Mothers" (M-G-M)
 LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$9,000. (Average, \$11,000)
 "Till We Meet Again" (W. B.)
 MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$4,900. (Average, \$7,000)
 "Buck Benny Rides Again" (Para.)
 "Chasing Trouble" (Mono.)
 STRAND—(2,200) (25c-35c-50c) 7 days, 2nd week. Gross: \$4,600. (Average, \$6,000)
 "Tear Gas Squad" (W. B.)
 FAYS—(1,800) (25c-35c-50c) 7 days. Stage show with John Fogarty, Maurice & Oza, the Six Hoffmans, LaVarre Brothers, and May & Shirley. Gross: \$4,300. (Average, \$6,500)
 "It All Came True" (W. B.)
 "Two Girls on Broadway" (M-G-M)
 CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,900. (Average, \$3,500)
 "Viva Cisco Kid" (20th-Fox) (3 days)
 "Blondie on a Budget" (Col.) (3 days)
 "Rebecca" (U. A.) (4 days)
 "Women Without Names" (Para.) (4 days)
 EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,500. (Average, \$1,700)

'Mothers' Fair as Montreal Slumps

MONTREAL, May 23. — Two holdovers, the opening of amusement parks and the war crisis did not encourage high grosses. "Forty Little Mothers" stood out with \$7,300 at the Palace while "Dark Command," on a double bill at the Capitol, grossed \$6,100.

Estimated takings for the week ending May 17:

"Dark Command" (Rep.)
 "Ma, He's Making Eyes at Me" (Univ.)
 CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,100. (Average, \$8,000)
 "Irene" (RKO)
 LOEW'S—(2,800) (30c-40c-60c) 7 days, 2nd week. Gross: \$4,500. (Average, \$8,000)
 "Rebecca" (U. A.)
 ORPHEUM—(919) (25c-35c-50c) 7 days, 8th week. Gross: \$1,100. (Average, \$5,000)
 "Forty Little Mothers" (M-G-M)
 PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$7,300. (Average, \$10,000)
 "Star Dust" (20th-Fox)
 "Free, Blonde and 21" (20th-Fox)
 PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$2,700. (Average, \$5,000)

'Favorite Wife' Gets \$13,000, Cleveland

CLEVELAND, May 23. — "My Favorite Wife" was the favorite here last week, attracting \$13,000 at Warners' Hippodrome. "Buck Benny" in its second week drew a good \$5,500 at Loew's Stillman.

Estimated takings for the week ending May 16:

"Bill of Divorcement" (RKO) 3 days
 "Shooting High" (20th-Fox) 4 days
 ALLEN—(3,000) (30c-35c-42c). Gross: \$4,000. (Average, \$4,000)
 "My Favorite Wife" (RKO)
 WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$13,000. (Average, \$11,000)
 "Saturday's Children" (W. B.)
 RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: \$4,500. (Average at 30c-42c-55c, \$13,500)
 "Dr. Kildare's Strange Case" (M-G-M)
 LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$9,000. (Average, \$11,000)
 "Buck Benny Rides Again" (Para.)
 LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: \$5,500. (Average, \$4,000)

'Scandals' and 'Daughter' Big L. A. Grosser

LOS ANGELES, May 23. — "The Farmer's Daughter," with "George White's Scandals" on the stage, drew a strong \$30,000 at the Paramount. "Primrose Path" and "Half a Sinner" drew \$8,500 at the Hillstreet and \$8,500 at the Pantages.

Estimated takings for the week ending May 22:

"Gone With the Wind" (M-G-M)
 CATHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 21st week. Gross: \$11,400. (Average, \$17,000)
 "Waterloo Bridge" (M-G-M)
 "On Their Own" (20th-Fox)
 CHINESE—(2,500) (30c-75c) 7 days. Gross: \$11,500. (Average, \$12,500)
 "Rebecca" (U. A.)
 4 STAR—(900) (40c-55c) 7 days, 8th week. Gross: \$6,000. (Average, \$3,250)
 "Primrose Path" (RKO)
 "Half a Sinner" (Univ.)
 HILLSTREET—(2,700) (30c-65c) 7 days. Gross: \$8,500. (Average, \$6,500)
 "Waterloo Bridge" (M-G-M)
 "On Their Own" (20th-Fox)
 LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$11,800. (Average, \$14,000)
 "Primrose Path" (Radio)
 "La Conga Nights" (Univ.)
 PANTAGES—(3,000) (30c-65c) 7 days. Gross: \$8,500. (Average, \$7,000)
 "The Farmer's Daughter" (Para.)
 PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: George White's Scandals. Gross: \$30,000. (Average, \$18,000)
 "One Million B.C." (U. A.)
 "I Can't Give You Anything But Love Baby" (Univ.)
 WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: \$9,700. (Average, \$14,000)
 "One Million B.C." (U. A.)
 "I Can't Give You Anything But Love Baby" (Univ.)
 WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: \$12,500. (Average, \$12,000)

'Wife' Pulls \$6,400, Best in Kansas City

KANSAS CITY, May 23. — Best showing was made by "My Favorite Wife" and "Curtain Call" at the Orpheum with \$6,400. The Tower, with Henry Busse and his orchestra and "Viva Cisco Kid" garnered \$9,100. Other first runs lagged.

Estimated takings for the week ending May 14-16:

"I Was an Adventuress" (20th-Fox)
 "Light of the Western Stars" (Para.)
 ESQUIRE—(800) (25c-40c) 5 days. Gross: \$1,200. (Average, 5 days, \$1,700)
 "Dr. Kildare's Strange Case" (M-G-M)
 "Two Girls on Broadway" (M-G-M)
 MIDLAND—(4,000) (25c-40c) 6 days. Gross: \$5,100. (Average, 6 days, \$8,000)
 "Buck Benny Rides Again" (Para.)
 NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: \$5,600. (Average, \$7,000)
 "My Favorite Wife" (RKO)
 "Curtain Call" (RKO)
 ORPHEUM—(1,500) (25c-40c) 7 days. Gross: \$6,400. (Average, \$5,000)
 "Viva Cisco Kid" (20th-Fox)
 TOWER—(2,200) (25c-35c) 7 days. Stage: Henry Busse and Orchestra. Gross: \$9,100.
 "I Was an Adventuress" (20th-Fox)
 UPTOWN—(2,000) (25c-40c) 5 days. Gross: \$2,000. (Average, 5 days, \$2,500)

Fairbanks Film to Col.

Columbia will release "Until I Die," to be produced, written and directed by Ben Hecht and Douglas Fairbanks, Jr., with the latter as star. The film will be made at the Columbia Studio.

Opening Day Advanced

COLUMBUS, O., May 23. — Loew's Ohio has advanced openings from Friday to Thursday, which policy will continue at least for the balance of May, and possibly longer.

Levey to Oversee 'Boys' Promotion

Jules Levey, producer of "The Boys from Syracuse" for Universal release, will supervise the exploitation and advertising of the picture, he said here yesterday.

Levey, former RKO sales manager, will set up his own exploitation staff and plans to visit all exchange centers to confer with exhibitors on special campaigns.

"My slogan is: 'Make 'em and sell 'em,'" Levey said. "I am convinced I have a good picture and I want to make sure that no opportunities in presenting it either to exhibitors or the public are overlooked. I think this is a procedure that more and more producers will have to follow while existing conditions persist."

Levey plans to leave for the Coast within the next few days but will return here in about two weeks to plan his "pre-selling" campaign. His future production plans will be held in abeyance until "The Boys from Syracuse" has been launched, he said.

300 of RKO Sales Staff Due for Meet

Approximately 300 members of RKO's sales force will arrive here over the weekend to attend the company's annual sales convention, opening Monday at the Waldorf-Astoria.

Members of the foreign sales staff have been arriving throughout the week, and a special train carrying more than 100 of the Western sales forces will arrive tomorrow morning from Chicago.

Arrivals from the studio will include J. J. Nolan, vice-president and studio head, due today; Harold B. Franklin, Sam Coslow and Jack Votion, producers for RKO release, due by train Monday, and Perry Lieber, RKO studio publicity head, who will arrive tomorrow.

The delegates will be on their own over the weekend and numerous social affairs have been spotted on the three-day convention program, including receptions by Pathe News, March of Time, a beefsteak dinner and a windup banquet. The meeting will be concluded Wednesday.

Two K. C. Stations Ask FM Facilities

KANSAS CITY, May 23.—KMBC (Midland Broadcasting Co.) and WDAF (Kansas City Star) have filed applications for permission to erect frequency modulation stations. KMBC officials would like to be on the air June 20 with their new F-M broadcaster. Radio distributors and retailers here have been selling limited quantities of F-M sets, but this is being stepped up.

Midland Broadcasting has had an application on file for over a year for a television station, and has the studio equipment built. It is already to go with the exception of one transmitter.

Harris Shifts Managers

PITTSBURGH, May 23.—The Harris Amusement Co. has shifted Morton Henderson from manager of the William Penn to the Harris-Perry; Harry Segal of the Family to the William Penn; Henry Miller of the Beechview to the Family; John P. Harris from the Palace to the Beechview.

Off the Antenna

NBC is trying to demonstrate the value of television to the film companies as an exploitation medium, according to Arthur Hungerford who arranges the film shows for W2XBS. As a result, four programs have recently been arranged in connection with premieres and the station is willing to continue the practice, Hungerford says. Two programs were televised in connection with the opening of "Edison, the Man" last week, one showing the parade and another showing celebrities arriving at the Hollywood in East Orange. On Wednesday and again yesterday a trailer for "Irene" was shown in connection with its opening at the Music Hall.

Previously, NBC had sought to obtain old short subjects or features in return for its cooperation but in the more recent cases no exchange of favors was obtained. Better relations with the film industry is all that is wanted, Hungerford says.

Only two feature length films will be televised next week. "Street Scene" with Sylvia Sydney and William Collier, Jr., will be shown on Wednesday, and "Men of the Plains" with Rex Bell on Friday.

Personals: Franklin Dunham, NBC religious and educational director, speaks today on "Radio in the Life of the People" at Marywood College in Scranton, Pa. . . . Kenneth L. Wott, radio director at Fuller & Smith & Ross, Inc., will address distributors of Westinghouse Electric & Manufacturing Co. products at Hot Springs, Ark., on Sunday. . . . Earl Mullin, assistant manager of NBC's press department, left for Chicago yesterday to attend the Advertising Club's 50th anniversary dinner for Wright Patterson, managing editor of the Western Newspaper Union. . . . Cecil B. DeMille begins his fifth year as producer of the "Lux Radio Theatre" on Monday. . . . Otis T. Wingo, press representative for Fulton Lewis, Jr., returned to Washington yesterday after a short visit here.

DuMont is rushing its television transmitter to completion and should have a test pattern on the air within 60 days, officials declared yesterday. All adjustments on DuMont receivers (which are required because of the F.C.C. decision abolishing one television channel and setting up another) will be made free of charge by DuMont in accordance with its guarantee to make without charge all adjustments required by a change of standards. RCA has not yet disclosed whether it will follow the same policy but is likely to do so.

Another Short Wave Commercial: L. P. Yandell, NBC executive in charge of short wave commercials, has obtained a third sponsor for the international division. All prize fights staged by Mike Jacobs or Madison Square Garden during the next year will be short-waved to Latin America under the sponsorship of Adam Hats which now sponsors such bouts over NBC-Blue for this country. A minimum of 22 fights is guaranteed but at least two should be particularly attractive to Latin Americans. The Baer-Campolo bout on June 6 should go well because Campolo is from Argentina; and on June 20, the return Louis-Godoy fight should create another sensational response in Latin America.

Yandell expects the fight broadcasts to establish the NBC short wave stations with the sport loving Latin Americans and he expects to line up a 15-minute sports review under commercial sponsorship shortly. Adam Hats will pay for one half hour's time for each broadcast regardless of the bout's duration. Eli Canel and Alfredo Barrett will do the announcing in Spanish. The price to Jacobs for the rights was not disclosed.

Programs: King George of England will be heard over most stations this afternoon at 4 and President Roosevelt will deliver a "Fireside Chat" on Sunday at 10:30 P.M. . . . Princess Pat cosmetics has not renewed its contract for sponsorship of former Mayor James J. Walker's "Opportunity Hour" from the stage of Loew's State over WHN and the program has been dropped. WHN will introduce "Soldiers With Wings" Monday night at 9 P.M. The U.S. Army Air Corps will handle the program to explain the activities of the Corps. WCAU, Philadelphia, will also launch an aviation program on June 15 with a new department at the station to handle the activities, an exhibit at the station, and the creation of WCAU aviation club with both adult and junior divisions.

Broadcast Music yesterday announced the purchase of the music publishing house of Hinds, Hayden & Eldredge, Inc., and the signing of a contract with Bruno Granichstaedten, Viennese composer. The publishing catalogue includes 2,000 songs and should provide a variety of thematic music for backgrounds and dramatic programs on radio, as well as arrangements for orchestras and vocalists.

KPO April Sales Double

SAN FRANCISCO, May 23.—KPO (NBC-Red) local sales practically doubled in April, with an increase of 91.8 per cent rise over March. KGO (NBC-Blue) shows a five per cent gain.

Metro Sued on Film

LOS ANGELES, May 23.—Roxie Parsons, Hollywood writer, has filed a \$150,000 damage suit against M-G-M, charging unauthorized use of her story, "Singing Through" in the film, "Thoroughbreds Don't Cry."

Talks 'Baker' Remake

LOS ANGELES, May 23.—Paul Kohner, former Universal producer, is here from New York to negotiate the sale of remake rights to "The Baker's Wife" for Marcel Pagnol, French producer. He has conferred with M-G-M and two other major studios.

Edelman to 20th-Fox

HOLLYWOOD, May 23.—Lou Edelman, former associate producer at Warners, has been signed in a similar post at 20th Century-Fox.

Milliken Traces Film Growth as Art

INDIANAPOLIS, May 23.—Development of the American motion picture as an educational and art form in its span of 50 years was traced by Carl E. Milliken, secretary of the M.P.P. D.A., in an address at the annual dinner of the Indianapolis Business and Professional Women's Clubs here tonight.

Milliken lauded Will H. Hays, a native of Indiana, for his leadership and service to the industry during a period when it made its greatest advances—the past 18 years.

"The motion picture," said Milliken, "was born in America and has grown in America to be the greatest universal entertainment in the world. It could have so developed only by sinking its roots deep in the soil of a free land. The American motion picture is the free expression of a free people. Especially in these perilous times, freedom of the screen and freedom of the press stand as an eternal reiteration of the Bill of Rights."

Seeks Stockholder List in Columbia Suit

James F. Burke, a Columbia stockholder, filed proceedings yesterday in the N. Y. Supreme Court to compel Columbia to turn over a list of its stockholders for the alleged purpose of obtaining stockholders' support for an action to dissolve the company.

Burke alleges six grounds of dissolution: war conditions, the anti-trust suit, television, high salaries of officers, the Neely Bill and the loss of Frank Capra.

In an answering affidavit, Abe Schneider, treasurer of Columbia, scoffed at the suit as "preposterous" and brought without "good faith." Schneider pointed out that Columbia earned \$400,000 in the last quarter of 1939 and declared that prospects of Columbia and the film industry in general are good.

Bankhead Contests Equity Council Seat

Contest by Tallulah Bankhead for one of the council seats and a report to the members of plans for one big union by the Associated Actors and Artistes of America will feature the quarterly meeting of Actors Equity at the Hotel Astor this afternoon. Miss Bankhead has been nominated independently by the conservative faction. Bert Lytell is unopposed for reelection as president. There is no contest for any of the remaining offices.

Paul Dullzell, executive secretary is expected to summarize the report of Bernard Reis on the merger of all 4-A branches. At the last two quarterly meetings the question of a merger has been discussed but no action was taken pending the Reis report.

Mohawk Pictures Open Offices Here

Mohawk Pictures Corp., of which B. H. Mills is president, and Jack Berkson vice-president in charge of sales, have opened offices at 723 Seventh Ave. The company recently acquired the Grand National assets for liquidation.

Mohawk plans 19 features, including eight westerns, which will be sold through independent exchanges.

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Paramount to Sell More on Percentages

Balaban Gives Studio 'Go-Ahead' Signal

LOS ANGELES, May 26.—More percentage deals than ever before will be sought by Paramount's sales force during the new season, it was indicated in addresses to the company's annual sales convention at the Ambassador Hotel here over the weekend. Elimination of low budget productions, with the resulting larger appropriations made available for the fewer number of pictures on Paramount's new season schedule, justify the more extensive percentage selling policy, it was pointed out. Reported company retrenchments in advertising, publicity and exploitation were denied by Robert M. Gillham, director of those departments, while



Barney Balaban

Depinet Outlines New Program to Convention Today

RKO's three-day annual sales convention will open at the Waldorf-Astoria this morning with about 300 in attendance. Ned E. Depinet, vice-president and distribution manager, will preside, and George J. Schaefer, president, will be one of the principal speakers. Feature of today's program will be an outline of the new season's product by Depinet. The convention will open with roll call by A. A. Schubart, manager of exchange operations. Announcement of promotion and award winners and discussions of current season's product will occupy the morning session. Depinet's product discussion this afternoon will be followed by talks by J. J. Nolan, vice-president and studio head; S. Barret McCormick, director of advertising and publicity, and Perry Lieber, studio publicity head. Others scheduled to address today's session are: Roy Disney, Hal Horne

(Continued on page 6)

Thacher Will Open Defense Trust Case

Judge Thomas D. Thacher, head counsel for Paramount, has been designated to make the opening address for the defense when trial of the Government's New York anti-trust suit opens before Federal Judge Henry W. Goddard in U. S. District court here next Monday. Judge Joseph Proskauer, head of Warner counsel, will make the closing address. The designations were decided upon recently at a conference of defense attorneys on trial procedure.

See Little Hope of Forcing U.S. Production in Mexico

By JAMES LOCKHART

MEXICO CITY, May 26.—American distributors here see scant prospects of success of the national picture worker union's demand upon President Lazaro Cardenas that a law be passed to force foreign distributors to invest 25 per cent of their annual profits in financing national film production. The distributors believe that this is no time to bring up such a matter, with the war making it more and more difficult for the industry and the possibility of a shortage of pictures.

Majors Reject Plan To Resume in Italy

New proposals for a resumption of American distribution in Italy, resulting from the recent discussions between F. W. Allport, M.P.P.D.A. European representative, and Italian Government officials in Rome, have been rejected by major companies here, it was learned over the weekend. The local action does not signify a collapse of the negotiations, however, it was emphasized. Counter proposals are to be made and forwarded to Rome for further consideration.

Local 306, Empire Start Blitzkrieg

The annual Spring offensive (military term, blitzkrieg) between Local 306 and Empire State Operators Union has affected seven houses in New York City, with picketing and counter-picketing under way. The outbreak results from another breakdown of negotiations for a merger of the two unions, which has been on the griddle, off and on, for several years. Local 306 offered to take in all employed Empire members but only a few of the unemployed each year. Empire rejected the proposal, and declared that it is out to displace Local 306 at as many theatres as possible. Local 306 is picketing the Continental on Broadway; Livonia, Brooklyn, and Moshulu and President in the Bronx. Empire is picketing the Tiffany, Brooklyn, and the Tuxedo and Prospect, Bronx.

Neely Bill Will Ruin Overseas Field: Wobber

Arbitration Is Solution, Brandt Testifies

WASHINGTON, May 26.—Enactment of the Neely block booking bill would ruin the foreign market for American films, Herman Wobber, director of distribution for 20th Century - Fox, told the House Interstate and Foreign Commerce Committee on Friday as the second week of hearings on the measure concluded. Other opponents of the bill who entered their testimony Friday were Harry Brandt, New York circuit operator and president of the New York I.T.O.A., and Judge Roy L. Walker of Lampasas, Tex., president of the Theatre Owners Protective Association of Texas, an M.P.T.O.A. affiliate. Brandt urged arbitration as the solution to trade problems. The committee tomorrow will open its third week of hearings, hopeful of concluding them by June 1, with many members of the group apparently convinced that the bill before them is not a vehicle which will bring peace and

(Continued on page 10)

RKO Deal Set for 10 Cocalis Houses

An agreement on the deal by which RKO will take over 10 Bronx theatres from Cocalis Enterprises is reported to have been reached on Friday, with closing of the deal expected within the next few days. The deal is for the Allerton, Castlehill, Crest, Interboro, Marblehill, Pelham, Pilgrim, Rosedale, Ward and Yorke, all in the Bronx. The deal leaves the Cocalis circuit with about 18 theatres, most of which are in New Jersey. Negotiations have been in progress for many months, having been forestalled for a time by the necessity of obtaining Federal approval for the transfer, and by other problems.

Greenthal West on UA Pre-Selling Unit

The organization of United Artists' new pre-selling bureau, which will conduct complete exploitation campaigns on United Artists' new season product throughout the country, will be completed by Monroe Greenthal,

(Continued on page 5)

Senate Orders Probe Into Location Fees

Washington, May 26.—Investigation of Interior Department charges of up to \$500 a day for making films on Government lands was assured Friday when the Senate adopted a resolution by Sen. Pat McCarran of Nevada with an amendment by Sen. Henry F. Ashurst of Arizona for a probe of the fees. The study will be made by the Senate Public Lands Committee, with a fund of \$10,000.

Personal Mention

WILLIAM F. RODGERS, M-G-M general sales manager; **T. J. CONNORS**, Eastern division manager, and **EDWIN AARON**, assistant to **RODGERS**, returned from Washington over the weekend.

LOUIS B. MAYER, vice-president in charge of production for M-G-M, left Friday by plane for the Coast, after a few days here.

ROBERT SCHLESS, Warners' managing director for Europe, will arrive tomorrow on the *Washington* for home office and Coast conferences.

WILLIAM A. SCULLY, Universal vice-president and general sales manager, and **F. J. A. MCCARTHY**, Eastern sales manager, return today from New Orleans.

W. J. HEINEMAN, Universal Western sales manager, returned over the weekend from Chicago.

LEON NETTER and **LEONARD GOLDENSON**, Paramount home office theatre executives, returned over the weekend from conferences with Comberford Circuit officials in Scranton.

SOL LESSER plans to leave for the Coast on Wednesday.

DAVID O. SELZNICK has extended his stay here and plans to leave for the Coast by the end of the week.

WILLIAM MALLARD, RKO secretary and general counsel, is recovering at his home from pneumonia.

SAMUEL GOLDWYN, who planned to leave for the Coast over the weekend, will remain here several more days.

PEGGY FOLDES of the RKO publicity department has been named chairman of the associated members committee of the New York Newspaper Women's Club.

JOSEPH CONTI, chief of the service staff at the Paramount Theatre, was tendered a bachelor dinner by his friends Friday evening at Rosoff's.

Will Make Shorts at Bronx Edison Studio

The three-story Bronx studio which at one time housed the Edison Stock Co., has been purchased from the family of the late Thomas Edison by the Croyden Operating Co. for the production of theatrical and non-theatrical shorts. Actual shooting will be started shortly, the new owner said. **Leon and Mortimer Levy**, sons of **Jacob Levy**, theatre operator, and **Milton Sass**, his son-in-law, head Croyden.

George O'Neil Dies

LOS ANGELES, May 26.—**George O'Neil**, 42, scenarist, died on Friday of a cerebral hemorrhage. He was working on a screen story for Universal at the time of his death.

Club Revue Wednesday

The Warner Club will present a musical revue, "Fair and Warmer," at the Biltmore Wednesday evening.

Managers' Hearing Set on Prudential

New York State Labor Relations board has set tomorrow morning for a hearing on the petition of the M.P. Division of Theatrical Managers, Agents and Treasurers Union for recognition as collective bargaining agency for managers and assistants employed by Prudential and Playhouses Operating Co., Inc. Houses involved, all on Long Island, are: Amityville, Babylon, Bay Shore, Regent, Bellaire, Center Moriches, Greenport, Hicksville, Hollis, Northport, State, Farrell, Granada, Patchogue, Rialto, Casino, Garden, Riverhead, Suffolk, Sag Harbor, Sayville, Smithtown, Glynn's Southampton, Park, Garden, Westhampton and Edwards; the Playhouse, Mamaroneck; Playhouse, Rye; and Strand, White Plains. The petition was filed in May, 1939.

100 Managers Join New Detroit Union

DETROIT, May 26.—About 100 theatre managers have joined Local 22,312, new union being organized for affiliation with the A.F.L., according to **Roy M. Miller**, president and business agent. Miller for 13 years was manager of seven United Detroit theatres.

Miller said the union aims to obtain better working conditions, and that 300 are prospective members in this territory. He said he had rejected an offer to affiliate with the C.I.O. in a union which would include cashiers and ushers as well as managers.

Court Denies Plea For TMA Receiver

Dismissal of the suit of **Max G. Felder** and **Ben Braudie** for the appointment of a receiver for the Motion Picture Division of Theatrical Managers, Agents & Treasurers Union, No. 18,032 was ordered Friday by **N. Y. Supreme Court Justice Lloyd Church**. The court also refused an injunction to the plaintiffs to restrain the union from hearing charges to remove the plaintiffs as union members.

Canada Holiday in June

TORONTO, May 26.—Theatres in Canada will have the benefit of an unexpected holiday in June with the fixing of Thursday, June 13, as the official birthday of King George VI by order-in-council of the Dominion Government. The actual birthday of the British Monarch is Dec. 14, but it is officially observed in Canada at other times of the year.

Flynn in Machine Field

HOLLYWOOD, May 26.—**Errol Flynn**, Warner player, and **Johnny Meyer**, who are business associates, have obtained a franchise for four Western states for the Globe-Mills coin operated projection machines. This is the first deal closed by the Mills Novelty Co. and **James Roosevelt's** Globe Productions.

Wins Warner Contest

PHILADELPHIA, May 26.—**Elmer Hollander**, manager of the Warner Stanton, was the winner of the seventh annual "Managers' Drive" week, getting a week's vacation in Atlantic City.

First Run Films and Vaude as Hotel Lure

Theatres in the Eastern resort areas will have plenty of entertainment competition from hotels this summer, it is apparent from early indications. One hotel is inaugurating its season Decoration Day, next Thursday, with its main attraction a show including **Joe E. Lewis**, **Harry Hershfield**, **Block & Sully**, **Lee Simms & Ilo May Bailey**, **Peg Leg Bates** and **Ross, Lane & Edwards**, plus first run motion pictures. In addition there are two orchestras, and as an added lure the hotel is running a special train from New York Wednesday evening with entertainment en route.

Cohn Heads Group To Columbia Meet

Jack Cohn, Columbia vice-president, and **Abc Montague**, general sales manager, will head the home office delegation which will attend the first of Columbia's two regional sales meetings at the Blackstone, Chicago, June 4-7. The second meeting will be held in Atlantic City, June 11-14.

The home office delegation will include **Rube Jackter**, **Louis Astor**, **Joseph McConville**, **Lou Weinberg**, **Max Weisfeldt**, **H. C. Kaufman**, **Maurice Bergman**, **B. E. Zeeman**, **Maurice Grad**, **Al Sherman**, **S. Raisler**, **V. Borrelli**, **I. Sherman**, **J. Freiberg** and **W. Brennan**.

Columbus Exhibitor On Examining Board

COLUMBUS, O., May 26.—Because an ordinance regulating operators, recently passed by the City Council, contained a clause giving the operators' union representation on the examining and licensing board, **P. J. Wood**, secretary of the I.T.O. of Ohio, has been instrumental in having the Council adopt an amendment authorizing appointment of an exhibitor representative to the board.

Under the new ordinance, annual fee of operators is advanced from \$1 to \$25, and apprentices hereafter will be permitted to remain in the booth at all times.

Tighten Giveaway Ban

KANSAS CITY, May 26.—Police here have tightened their enforcement against giveaways in theatres, and even have asked exhibitors to stop giving away dishes and similar premiums. There seems to be some question as to premiums, since exhibitors were told to stop them and then told they could continue, but the ordinance under which the police are acting is broad enough to cover any gift.

'Ecstasy' Loses Again

Supreme Court Justice **Valente** on Saturday denied the application of **Eureka Prods.** to compel the State motion picture division to view and issue a license for "Ecstasy," on the plea that the objectionable parts had been deleted. This was the court's third refusal.

Republic Office Moves

MILWAUKEE, May 26.—Republic's exchange here will open new offices Tuesday, with open house.

Ohio Supreme Court To Decide on Games

TROY, O., May 26.—The Ohio Supreme Court has set June 13 as the date for hearing the case of **Andrew Attenweiler** against **Troy Amusement Co.**, here seeking judgment for \$500 damages, refund of \$10 admissions paid over a designated period, and the discontinuance of Bank Night at the local Mayflower, on the ground that it violates the Ohio lottery law.

Attorneys for the defendants appealed from a decision of the **Appellate Court**, which ruled Bank Night as operated here constituted a lottery. A similar suit recently was instituted against same defendants by **Michael E. Norris**, local attorney. Suits against other theatres in the state are being held in abeyance pending disposition of the Troy case.

New Game Is Called Lottery in Nebraska

LINCOLN, May 26.—"Screeno-Quiz," a theatre giveaway being tried in Omaha, has been ruled by Attorney General **Walter Johnson** of Nebraska "unquestionably a lottery."

Johnson's ruling, citing the Bank Night case of the State against the **Fox Beatrice Theatres Corp.** several years ago, said it had all the elements—chance, prize, and consideration—yet was more devious and complicated than Bank Night.

Omaha theatres have inaugurated a weekly cooperative giveaway of \$500 under the name of Prosperity Club. The plan is financed by all houses, downtown and neighborhoods, on the basis of seating capacity.

Ontario Town Bans All Chance Games

TORONTO, May 26.—The lid is to be clamped down on gambling in Cornwall, Ont., June 1, according to police authorities, bringing to an end three years of unrestrained games of chance. An average of five public Bingo games have been held in Cornwall each week, each drawing crowds up to 2,500. Door prizes alone up to \$250 in cash have been offered. No games are to be tolerated, even under the sponsorship of charitable, religious, war veteran or labor union bodies. Cornwall has two units of **Famous Players Canadian Corp.**, the Capitol and Palace.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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BOX OFFICE STATISTICS!



"The Women" was a delicious hit!
The public adored Joan Crawford's role!
Now she's a gorgeous "meanie" again!
And Fredric March is her sparring mate!
In **M-G-M's** hilarious "**SUSAN AND GOD**"!
This stage hit ran 8 months on Broadway
And it's sure-fire for long screen runs too!
For gayety, good looks, good business it's tops!
Metro-Goldwyn-Mayer cheerfully presents—

JOAN CRAWFORD FREDRIC MARCH "**SUSAN AND GOD**"

with Ruth Hussey • John Carroll • Rita Hayworth • Nigel Bruce
Bruce Cabot • Rita Quigley • Rose Hobart

Screen Play by Anita Loos • A Metro-Goldwyn-Mayer Picture

DIRECTED BY GEORGE CUKOR • PRODUCED BY HUNT STROMBERG



Paramount to Sell More on Percentages

(Continued from page 1)

Barney Balaban, president, gave the studio the "go-ahead" signal on production effort "irrespective of cost."

"Paramount's operating and financial policies have been shaped to a pattern which may in the past have appeared conservative," Balaban said. "Nevertheless, as a consequence of these we can today breathe more freely, devoting all our energies to the successful operation of the company."

'Shooting the Works'

"This is a time," he said, "when a natural impulse is to reduce investments in product. Instead of running to cover, Paramount is 'shooting the works.' Fortunately, our company at this time is in a position where it does not have to do anything panicky."

Gillham said intensification, rather than retrenchment, of his department's work would be the rule. At least one field exploiter will be assigned to each of the company's eight sales divisions, and there will be two in the larger ones, he said. They will cooperate with division managers and work under the supervision of Alec Moss, home office exploitation manager, who, like Gillham, will spend more of his time in the field this season than heretofore.

The field men will be brought to Hollywood several times during the year to familiarize themselves with new productions. A new phase of their work will be the transmission of production information to salesmen for use in their work throughout the year.

More Radio Exploitation

Increased use of radio exploitation is planned also, Gillham said, largely due to the fact that such personalities on the company's new season program as Bing Crosby, Jack Benny, Fred Allen, Bob Hope and Bob Burns will be dividing their time between films and radio.

John W. Hicks, vice-president in charge of foreign operations, told the convention: "We are still in business and still working."

Uncertainty as to the future, he pointed out, is the most serious problem facing both the foreign department and the entire company.

"From a market that brings in from \$12,000,000 to \$15,000,000 in normal times," he pointed out, "we cannot definitely say whether we will get one-fourth, one-tenth or any part of that."

Y. Frank Freeman, vice-president and studio head, acknowledged the studio's reliance on the sales department for guides to exhibitors and the public, and for gauging box-office trends.

"This studio will not reach the top rung of the ladder in a day or a week," he said. "But I promise you we will do everything in our power to give you the product—not only for this year, but for year upon year—that you well can be proud of."

Other convention speakers included Neil F. Agnew, vice-president and distribution head, who presided at the meeting; Arthur Pratchett, general manager for Central America; Frank Kennebeck, Far East manager, and Alvaro Reyes, Colombia manager.

Benny Rides Again

Los Angeles, May 26.—Jack Benny, addressing the Paramount convention here and "riding" Y. Frank Freeman about his Southern ancestry, said: "I just found out what the Y. in Freeman's name stands for. It means 'You-all.'"

Members of Equity Want \$50 Minimum

Actors' Equity annual membership meeting on Friday rebuked the union council for voting to retain the present \$40 weekly minimum and recommended an increase to \$50. The membership which acts only in an advisory capacity, has asked for the increase at three previous meetings. Paul Dullzell, executive secretary, in his report stressed the uncertain financial picture and declared that next season's prospects are not promising. A motion to place the union on record against U. S. participation in the war was ruled out of order.

Bert Lytell was reelected president, Walter Huston was named first vice-president; Florence Reed, second vice-president; Augustin Duncan, third vice-president; Peggy Wood, fourth vice-president; John Beal, recording secretary, and Dullzell, treasurer. Tallulah Bankhead was defeated as counselor.

Greenthal West on UA Pre-Selling Unit

(Continued from page 1)

director of the bureau, in Hollywood this week. He left for the Coast by plane last night.

The new field organization, which will consist of 15 men operating from key cities, is half completed now. It is scheduled to be ready to function shortly after June 1. The field men will work directly with Greenthal, who will spend considerable time in Hollywood developing publicity and exploitation material on individual productions, feeding the material to the men in the field for special handling.

The bureau also will work with the home office advertising and publicity department under Lynn Farnol, director. Campaigns on individual productions will begin with story purchases and follow through all production phases and theatre openings.

Tierney Plans Remake Of 'Rio Rita' Musical

Negotiations with M-G-M for the re-adaptation to the screen of "Rio Rita" will be started next week by Harry Tierney, composer of the original musical score of that production and of "Irene," "Kid Boots" and several of the Ziegfeld Follies. Tierney plans to leave for the Coast within the next few days.

His plans call for the appearance in the re-make of Jeanette MacDonald and Nelson Eddy. Tierney also plans a musical production of "Beau Brummel" for Broadway this Fall with Maurice Evans in the title role, with a film version to follow.

Max Laemmle Gets Film

HOLLYWOOD, May 26.—Max Laemmle today signed a contract with Juno Films giving him exclusive Pacific Coast distribution of "Human Beast," French film.

KING OF CRIME . . . HE RULED BY TERROR! He made crime his career in a gangland empire without parallel.



with

LLOYD NOLAN

BARTON MacLANE • LOLA LANE • RAY MIDDLETON

ASTRID ALWYN • HORACE MacMAHON

Directed by

ARTHUR LUBIN



A Republic PICTURE

Meeting Gets RKO Product Lineup Today

(Continued from page 1)

and Kay Kamen of the Walt Disney organization; Frank Donovan and Walton Ament of RKO Pathe News, and John Wood, Louis DeRochemont and Al Sindlinger of March of Time.

The delegates will attend a beef-steak dinner at the 48th Street Music Hall tonight.

Tomorrow's session will open with sales discussions, led by Cresson E. Smith, Western and Southern sales manager; A. W. Smith, Eastern and Canadian sales manager, and Herb MacIntyre, sales drive leader, and Walter Branson, leader of last year's drive. Schaefer will make the principal address tomorrow afternoon. Phil Reisman, vice-president and foreign department head, also will address that session. In the evening, the delegates will be guests of March of Time at a reception at the Ambassador Hotel.

The sessions will end Wednesday with district manager meetings. RKO Pathe News will be host to the men thereafter and the convention will close with a banquet in the Rainbow Room. Orson Welles, who will produce, direct and act in two pictures for RKO's new season schedule, will be toastmaster at the banquet. He will arrive from the Coast by plane Wednesday.

Two Boyer Films

On the RKO new season schedule will be the tentatively titled "Ariane Pretends" and "The Pirate," both starring Charles Boyer, which will be produced by Andre Daven and Nat Wachsberger, in association with Harry Brandt. Anatole Litvak will direct the first. There also will be three new "Dr. Christian" pictures, starring Jean Hersholt, from Stephens-Lang Productions. "John Citizen, U.S.A.," will be the first Orson Welles production.

A new series of Lum and Abner features, to be produced by Jack Votion and Lou Coslow, also will be on the 1940-41 release schedule. Votion will arrive from the Coast today by train, bringing with him a print of "Dreaming Out Loud," first of the series.

Most of the conventioners arrived yesterday by special train from Chicago. Heading the group were Branson, Midwestern district manager; Harry Cohen, Western district manager; L. E. Goldhammer, Prairie district manager; and E. L. McEvoy, Eastern-Central district manager. In addition, MacIntyre, Northeastern district manager; Robert Mochrie, Southern district manager, and Nat Levy, Eastern district manager, also arrived yesterday with their delegations.

Representatives From 38 Branches

Representing the 38 U. S. and Canadian exchanges, foreign departments, home office, RKO Theatres and the studio, the following will attend:

Albany: B. G. Kranze, branch manager; G. F. Tucker, L. A. Herman.

Atlanta: H. M. Lyons, branch manager;

N. W. Salley, P. Harrison, R. C. Price,

F. J. Colquhoun.

Boston: R. C. Cropper, branch manager;

RKO's Executives at Convention Here



GEO. SCHAEFER
President of RKO
Radio Pictures



NED E. DEPINET
Vice-President of
Distribution



J. J. NOLAN
Vice-President
of Studio



PHIL REISMAN
Vice-President,
Foreign



A. W. SMITH
Eastern Sales
Manager



CRESSON SMITH
Western Sales
Manager



H. J. MICHALSON
Short Subject
Sales Head



S. B. McCORMICK
Director Publicity
and Advertising

W. H. Gardiner, H. F. Goldstein, F. G. Ross, C. L. De Vizia, M. M. Ames, salesmen; C. McGerigle, office manager.

Buffalo: C. Boasberg, branch manager; J. G. Chinell, N. L. Sper, E. Lux, salesmen; F. Maxwell, office manager.

Charlotte: J. B. Brecheen, branch manager; R. F. Branon, R. S. Mitchell, F. E. Dyer.

Chicago: J. C. Osserman, branch manager; S. Gorelick, J. A. Clark, H. H. Walters, M. J. Kassel, J. Cozzi, salesmen; R. A. O'Brien, office manager.

Cincinnati: S. C. Jacques, branch manager; A. L. Sugarman, J. A. McKnight, A. L. Kolitz, R. Williams.

Cleveland: G. Lefko, branch manager; A. Goldsmith, J. P. Lefko, G. Becker.

Dallas: S. M. Sachs, branch manager; W. V. Adwell, J. E. Huey, V. H. Adams, C. J. Wheeler.

Denver: J. H. Ashby, branch manager; F. J. Lee, F. P. Brown.

Des Moines: L. Elman, branch manager; W. F. De Frenne, D. D. Matin, M. Godwin.

Detroit: J. F. Sharkey, branch manager; F. Bonnem, M. E. Cohen, D. McCarthy, R. T. Renz, salesmen; H. Levinson, office manager.

Indianapolis: R. E. Churchill, branch manager; F. L. Brentlinger, E. G. Hancock, P. J. Fortune.

Kansas City: T. R. Thompson, branch manager; E. L. Dyson, J. Lewis, A. A. Renfro, K. G. Howe.

Los Angeles: N. P. Jacobs, branch manager; S. W. Whitehead, J. Rubenstein, J. F. Samuels, L. Fink.

Memphis: A. M. Avery, branch manager; R. V. Reagin, W. G. Wray.

Milwaukee: A. N. Schmitz, branch manager; M. Anderson, E. Spiers, W. Foley.

Minneapolis: C. J. Dressell, branch manager; W. C. Winters, J. E. Loeffler, L. Klein, W. S. Flynn, R. Egner.

New Haven: B. Pitkin, branch manager; W. Canelli.

New Orleans: P. M. Baker, branch manager; R. E. Pfeiffer, W. E. Woodward.

New York: R. S. Wolf, branch manager; P. Hodes, E. T. Carrol, J. J. Dacey, J. Ellis, L. I. Kutinsky, H. Zeitels, salesmen; F. Drumm, office manager.

Oklahoma City: R. B. Williams, branch manager; P. D. Fielding, C. A. Blakely.

Omaha: C. W. Allen, branch manager; J. P. Smith, E. Stengel.

Philadelphia: F. L. McNamee, branch manager; S. Lefko, W. H. Tyson, M. Shulman, L. L. McFadden, E. J. Epstein, O. Tischler, salesmen; C. Zagrans, office manager.

Pittsburgh: H. H. Greenblatt, branch

manager; R. H. Lange, J. Graham, E. Lebby, M. E. Lefko.

Portland: M. E. Cory, branch manager; G. M. Engelman, S. S. McFadden.

St. Louis: R. V. Nolan, branch manager; M. A. Raymon, L. S. Gruenberg, T. B. Williamson.

Salt Lake City: H. C. Fuller, branch manager; G. Davison, A. T. Mabey, A. Shepherd.

San Francisco: G. William Wolf, branch manager; G. R. Seach, E. A. Stein, C. J. Crowley.

Seattle: E. A. Lamb, branch manager; J. F. Burk, L. L. Goldsmith.

Sioux Falls: S. W. Fitch, branch manager; E. J. Frace, C. H. Snyder.

Washington: R. J. Folliard, branch manager; H. E. Kahn, E. W. Grover, C. Knox, A. P. Folliard.

Toronto: M. Plottel, branch manager; M. L. Devaney, H. Conway.

Montreal: H. F. Taylor, branch manager; H. Decker, H. B. Miller.

Calgary: J. McPherson, branch manager; P. Cardell.

St. John: L. Plottel, branch manager. Vancouver: W. S. Jones, branch manager.

Winnipeg: H. Wolfe, branch manager; N. Nackimson.

From the Home Office

Home Office Representatives: W. A. Burke, J. E. Cashman, J. A. Downing, J. C. De Waal, J. Wangberg, J. J. Schmitzer, E. Sedin.

Home Office (alphabetically arranged and not already listed): R. V. Anderson, manager newsreel department; L. J. Bamberger, sales promotion manager; James Boyle, publicity department; W. H. Clark, treasurer; W. E. Dahler, assistant to Eastern and Canadian sales manager; W. V. Derham, comptroller; John A. Farmer, executive; L. E. Gaudreau, purchasing agent; H. Gittleton, editor Flash; B. Grimm, advertising department; K. Hallam, radio contact; H. Hendee, head of research department; W. H. Horne, circuit contact for sales department; S. Kramer, manager print and negative department; J. Level, publicity department; J. Lewis, secretary, general counsel and vice-president; W. J. Merrill, vice-president and treasurer; L. H. Miller, assistant to Western and Southern sales manager.

Also E. J. McGuire, claim department; W. J. McShea, assistant manager exchange operations; G. Muchnic, assistant secretary and assistant treasurer; Rutgers Neilson, publicity manager; R. C. Patterson, Jr., chairman of the board; M. G. Poller, man-

ager playdate department; H. M. Richey, director of exhibitor relations; I. Shiffrin, publicity department; E. J. Smith, Jr., contract department; R. Trado, sales control department; T. Turner, exploitation manager; G. Van Wagner, assistant treasurer; A. Willi, head of talent department; G. E. Youngman, assistant secretary and assistant general counsel; D. Strumpf, art director.

RKO Theatres (alphabetically arranged): J. Becker, assistant film booker; J. Brennan, division manager New Jersey and Washington; W. Cadoret, division manager Rochester; H. R. Emde, division manager Westchester and Newark; Max Fellerman, chief booker.

Also, A. Frudenfeld, division manager Midwest; Leon Goldberg, treasurer Keith-Albee-Orpheum; Louis Goldberg, division manager Brooklyn; I. Golden, city manager Rochester; T. Gorman, division manager Chicago; N. Holt, division manager Great Lakes; M. Kingsberg, vice-chairman of board and executive vice-president Keith-Albee-Orpheum Corp.

Also, G. Lampe, division manager Syracuse; Harry Mandel, national director of advertising and publicity for RKO Theatres; Fred Meyers, film buyer; C. B. McDonald, division manager West Side New York; H. McDonald, division manager New England; J. J. O'Connor, vice-president and general manager RKO Theatres; M. Polon, assistant film booker.

Also, S. A. Schwartz, division manager East Side New York and Bronx; M. Singer; E. Thompson, RKO Theatre Executive; J. H. Walters, general counsel RKO Theatres.

Foreign Department: Reginald Armour, general European manager; R. Cammack, assistant to vice-president in charge of foreign distribution; H. Ehrreich, foreign service department manager; N. Ermolief, studio foreign department publicity manager; A. Frank, assistant to division manager for Latin America and Far East; M. Gomez, manager for Mexico; F. S. Gulbransen, manager for Panama; R. K. Hawkins, division manager for Latin America and the Far East; M. Hoffay, foreign publicity manager.

Also, B. D. Lion, division manager for Europe, United Kingdom and Australasia; A. Rossum, assistant to foreign publicity manager; P. Saenz, manager for Cuba; G. Schaefer, district manager Caribbean countries; N. Seckler, foreign department home office representative; E. Ugast, assistant to division manager for Europe, United Kingdom and Australasia.

Walt Disney: Richard Condon, W. Erskine, C. Feitels, J. Finney, B. Lewis, R. Oppel, L. Samuels.

“**LILLIAN
RUSSELL
AROUND
THE NATION**”

Variety calls it
“the Comstock
Lode” at the Roxy
(now in 2nd ca-
pacity week!)

One of the
biggest first
days in the
history of
Boston!

Smash open-
ing at San
Diego: twice
the business
of “Jesse
James”!

TREMENDOUS!

Clinton! Ran longer
than any picture that
ever played here and
doubled the record
held by “Alexander’s
Ragtime Band”!



in fact, TREMENDOUS EVERYWHERE IT'S OPENED!

Where was your sales curve...

That was Saturday night, in 1939.

What were *your* sales that week?

If they weren't where they should be, have they got an alibi?

Did you support them with advertising *that week*—and consistently the weeks before?

If not, why not?

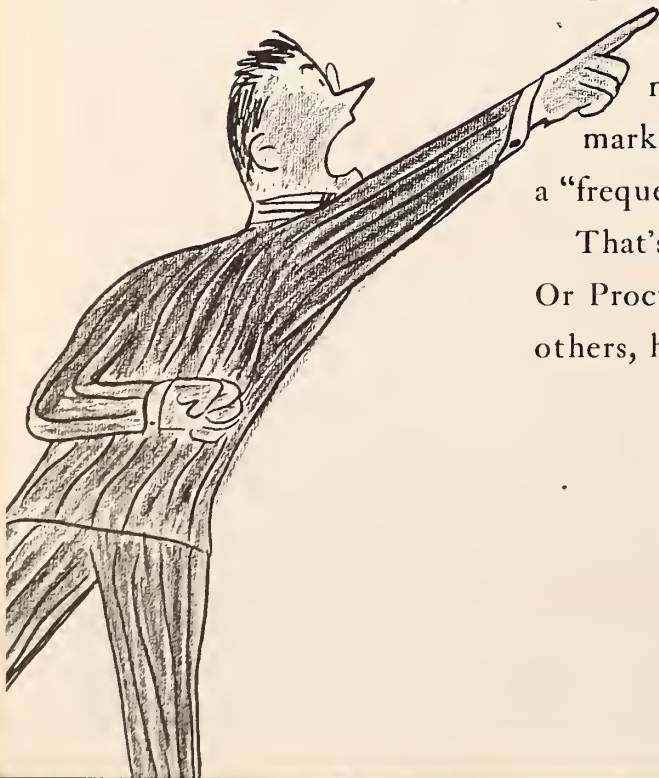
A week is a *market* for your goods. As real a market as any town. You make more sales in *one* week—in any one *summer* week—than you make in almost any town you can name, in a year. The week is a *bigger* market!

Why not protect that Summer market?

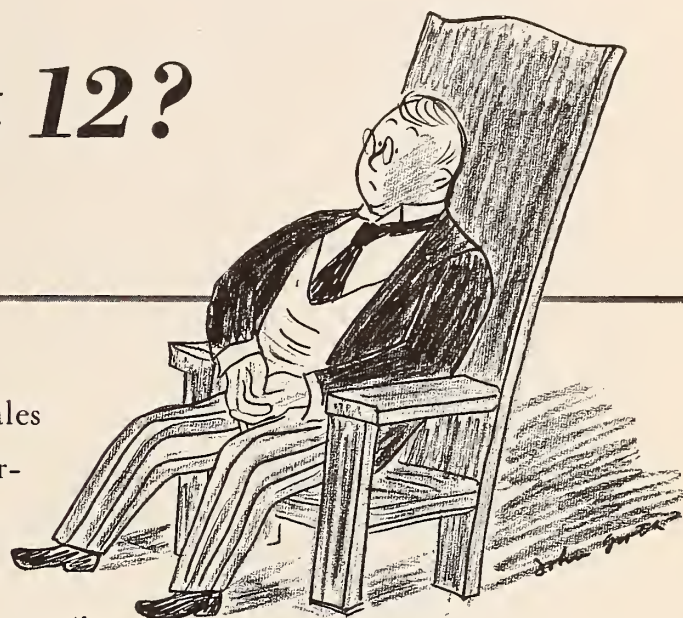
Too expensive, you say? Pish & tosh! That's the answer people gave *twenty years ago*—before a swift advance in advertising you've been hearing about. And hearing. Radio protects *every* week's sales. It cures the irregular pulse of advertising, the chronic spottiness of other campaigns.

It closes gaps in sales-support that once were weeks and months wide. Radio does this because it enables you to cover *every* market *every* week *every* month; protecting the *whole* market with a "frequency of insertion" no ordinary budget can buy anywhere else.

That's hardly news to Chrysler, Pet Milk, Liggett & Myers and Ford. Or Procter & Gamble and Lady Esther. These companies, and *many* others, have discovered—and have put into use—the technological



on the night of August 12?



advance in advertising made possible by radio: a major sales impact *every* week—*within* a practical budget. All these advertisers now protect their sales 52 weeks of the year; fighting as successfully for their share of the Summer market as they fight for Texas or Illinois. Why shouldn't they? Compare retail sales, payrolls, or production: *Summer is three times as big as Illinois!*

Radio makes this market as easy to protect, and expand, as any other. There are now 6,500,000 *automobile*-radios on the road. There are 1,000,000 more new *portable* sets, travelling wherever America travels in Summer. (The people who go away don't get away—from radio!) And 21,900,000 families are *known* to listen *each* summer day *at home!*

Clearly, radio listening is no exception to the habits that make this nation a market. In summer as in winter, people eat and

dress, shop and spend, work and have babies.

Summer makes little change in the daily routine of the vast bulk of families—so why not tell your story to them *every* week? Radio makes it possible. And profitable.★

★ Did you know that CBS Summer billing was 53% higher last Summer than the year before? That *more* families listened to radio *last* Summer than in any previous Summer? That you can safely expect more families will listen *this* Summer than last?

And did you know that CBS is now carrying a *higher* volume of advertising than *any* other network; setting seven successive network records for *any* year on *any* network, month after month for the past seven months?

Columbia Broadcasting System

Neely Bill Will Ruin Overseas Field: Wobber

(Continued from page 1)

prosperity to all branches of the industry.

Under questioning by Chairman Clarence F. Lea, Wobber declared that American pictures have dominated the foreign field by sheer quality but that, under the bill, standards would be so lowered as to take away the advantage which American films now have abroad.

In addition, said Wobber, if the Neely bill became law it would force the producers to increase their inventories 50 to 100 per cent, necessitating the raising of \$100,000,000 to \$200,000,000 additional capital, and increase distribution costs 100 per cent.

If the increased costs were passed on to the consumer, he told Rep. Luther Patrick, admission prices would have to be increased 15 to 20 per cent.



Harry Brandt

Brandt, who spoke at length, told the committee that block booking is not a problem but that there are many problems which the bill will not correct but which can be solved by adopting "honest arbitration."

The Neely bill, he said, would ruin, first, the independent houses, then the independent producers and eventually the distributors who do not have theatre affiliations.

Brandt continued that every difficulty could be ironed out by an arbitration system having an outsider, rather than an affiliated exhibitor, as the third arbitrator. Chairman Lea inquired whether the prospect of the industry solving its problems in this manner is promising enough to warrant deferring action on the Neely bill. Brandt replied that if in the next six months "honest arbitration" is not set up, the New York I.T.O.A. will sponsor a bill for Congressional control of the industry.

Later, Wobber admitted to Rep. Charles L. South that arbitration is "not very satisfactory," although he contended that it was honest, and agreed that Brandt's demand was deserving of consideration. He said arbitration is rarely resorted to at the present time.

Getting into cancellations, Brandt declared that he has not had a complaint on morals in the past three or four years, and denied that morals have any effect on the popularity of films. Without exception, he said, exhibitors cancel films because they appear to be poor box-office and not because of the moral question.

Because of this, he continued, public groups would have no chance to dictate what films should be shown. However, he declared, "very easily a 'Fifth Column' squad could be built up on the basis of small organized groups, forcing the smaller theatres to show pictures they thought the public should see."

The community is now protected

Off the Antenna

EXPERIMENTING with the cathode ray tube which is used for television, RCA has developed a new instrument which may mark a revolution in aviation. Though RCA officials refused to confirm this information, it was learned that the device is almost ready and will be demonstrated to army and civil aeronautical authorities shortly.

Working on the triangulation principle which is used to locate outlaw radio stations, the instrument can tell the pilot his exact position in the air, the direction in which he is traveling and the distance to his objective. At present, a radio beam is used to guide the pilot to the airport but the beam does not tell the distance from the landing field and strong winds can blow a plane off the beam. Of course, it cannot be used for landing in hostile foreign countries because ground stations must cooperate by sending their signals from definite locations.

• • •

Purely Personal: Dr. Alfred N. Goldsmith, RCA consulting engineer, will speak on "Radio and Aviation" tomorrow before the National Aeronautical Association in Washington. . . . Alton Cook, World-Telegram radio editor, will be Bill Stern's guest at 6:15 this afternoon on WJZ. . . . Howard L. Schreiber has been named sales service manager of the CBS radio sales department.

• • •

WHEC, Rochester, will turn over its studios to high school boys and girls again today in accordance with an annual custom started last year. Contestants chosen from among the outstanding students in English, dramatic and speech classes will vie for positions as sports announcers, newscasters and general announcers.

• • •

Programs: In response to a single offer of a photo of House Jameson, star of the program, "Renfrew of the Mounted" on NBC-Blue has received 17,000 replies in two weeks. . . . Horn & Hardart has renewed "Children's Hour" for an additional 52 weeks, effective June 2, over WEAF. . . . "So You Think You Know Music" observes its first birthday over CBS next Sunday. . . . WOV starts an aviation program titled "Opportunities as Cadet Flyers" for Tuesdays and Thursdays at 8:45 P.M. under auspices of the Second Corps Area of the U. S. Army. . . . "Clubhouse Politics" with Wellington Wright as commentator has shifted to 9:30 P.M. Fridays over WCNW. . . . "I.Q.U.," a new quiz show, started last night over WEVD with Richard B. Gilbert as emcee.

• • •

Film Stars on the Air: Anna Neagle will be guest on "Information, Please" over NBC-Blue tomorrow, was interviewed over WBT, Charlotte, N. C., on Saturday, and will be heard in a dramatization of "Irene" along with Burgess Meredith on "Fifth Row Center" over Mutual on Friday. . . . Helen Twelvetrees will be guest on "Command Performance" over Mutual on Friday. . . . Edna Best will be guest of "Kraft Music Hall" over NBC-Red on Thursday. . . . Gene Lockhart will be interviewed on "Little Or Hollywood" over NBC-Blue tonight at 8 P.M.

• • •

A "Personality Clock" will feature the NBC exhibit at the San Francisco Fair. It consists of 12 niches each representing a network star. In the center, Ira Blue, commentator, will point successively to each puppet and as he does so the puppets will step forward and give a brief performance.

against offensive pictures by the industry's Production Code, as well as the state censor boards and the local police authority, said Brandt. The police have the power of not only closing a show but arresting the exhibitor if immoral films are shown, he added, and the exhibitor is absolutely responsible for what goes on his screen.

Judge Walker, the final witness of the week, attacked Allied and Allied's claims regarding the Neely bill, his testimony reflecting the bitter fight which has raged about the bill in the Southwest. Ninety per cent of the Texas exhibitors are against the bill, he declared, explaining how the small independent obtains many concessions from the distributors.

Tarkington-Warner Suit Trial Next Fall

Federal Judge John C. Knox has set trial of the injunction and damage suit of Booth Tarkington against Warners for the October term. Plaintiff charges Warners with appropriating his literary rights in the film, "Penrod and His Twin Brother." Defendant has counterclaimed that it had a deal with Tarkington to purchase a large number of his stories and that the plaintiff had sold some which were in the public domain.

Seek Permits for 2 New Radio Stations

WASHINGTON, May 26.—Construction permits for two new broadcasting stations have been filed with the Federal Communications Commission.

The applications were submitted by the North Jersey Advertising Co., proposing a 620-kilocycle, 250-watt station at Elizabeth, N. J., and the Roanoke Broadcasting Corp., planning a 1,500-kilocycle, 250-watt station at Roanoke, Va.

Applications also were filed by WWJ, Detroit, for increase of night power from 1,000 to 5,000 watts; KGNO, Dodge City, Kan., for increase of night power from 250 to 500 watts, and KFJI, Klamath Falls, Ore., for change of frequency from 1,210 to 600 kilocycles and increase of power from 100 watts to 500 watts night, 1,000 watts day.

Two Firms Chartered

ALBANY, May 26.—Two New York City companies which have received charters here include: Jupiter Pictures Corp., by N. E. Johnson, George D. Burchell and Betty Aherne, and Parkway Picture Corp., Jacob Grossman, Ethel Beaver and Stanley Goldman.

CBS States Position on WNYC Issue

Mayor LaGuardia's attempt to interfere with the clear channel status of WCCO, CBS station in Minneapolis, is "diametrically opposed to the American system of broadcasting as it now exists," Louis Ruppel, CBS publicity director, declared in a letter printed in Saturday's New York Times. The F.C.C. will hold a hearing on the matter today.

Explaining the issue involved, Ruppel's letter said: "New York City applied to the F.C.C. for permission to extend its present part-time operations of WNYC (city-owned station) to full time, 11 P.M. Because WNYC at present operates on 810 kilocycles, an extension of time through the evening would destroy the clear channel status of Station WCCO, Minneapolis, which has operated on 810 kilocycles since 1928, four years before New York City was given the daytime assignment on the same wave length.

"In the CBS network there are 119 stations, from Puerto Rico to Honolulu. Of these, only seven are owned by CBS. WCCO happens to be one of these stations. Under the circumstances, CBS can do no less to protect its present excellent service on WCCO to the people of Minnesota and other Northwestern States than to oppose the WNYC application, as any other station would do."

Committee to Study Procedure of FCC

WASHINGTON, May 26.—Procedural policies of the Federal Communications Commission are expected to be studied during hearings next month and in July by the Attorney General's Committee on Administrative Procedure, it was disclosed here Friday night.

For the past year the committee has been studying the practices of various Government agencies and has prepared exhaustive monographs on many of them, including the F.C.C. The inquiry is for the purpose of working out reforms held necessary to curb the growing power exercised by the so-called independent agencies.

In the F.C.C. monograph the committee commended the commissions' efforts to withstand Congressional lobbying but criticized many of the practices followed in the handling of applications for broadcasting facilities.

Acquires Temple Films

Commonwealth Pictures Corp. has acquired exclusive 16mm. distribution rights to several Shirley Temple two-reel comedies including "Dora's Dunking Doughnuts," "Pardon My Pups," "Managed Money" and "Merrily Yours." All were produced by Educational.

End Mexican Air Strike

MEXICO CITY, May 26.—The Party of the Mexican Revolution, which dominates Mexican politics, ended a strike that closed its two stations here, XEFO and XEUX, by agreeing to most of the employees' demands.

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and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

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Film and
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Brief,
Accurate
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Impartial

VOL. 47. NO. 105

NEW YORK, U. S. A., TUESDAY, MAY 28, 1940

TEN CENTS

RKO Planning 53 Features Next Season

Set 86 Shorts, Depinet Tells Convention

RKO will present 53 features, 86 shorts and 104 newsreel issues during the 1940-41 season, Ned E. Depinet, vice-president in charge of distribution, told the ninth annual sales convention at the Waldorf-Astoria yesterday.

The material from which the feature program will be made includes books plays, musicals, radio properties, as well as a group of originals.

The product will be under the supervision of George J. Schaefer, president; J. J. Nolan, vice-president in charge of studio operations, and Harry E. Edington and Lee Marcus, executive producers.

Outside producers who will contribute to the RKO program include: The

(Continued on page 6)

Warners' 26-Week Profit Is \$1,518,497

Warner Brothers Pictures, Inc., and subsidiaries report net operating profit of \$1,518,497 after deducting all charges, for the 26 weeks ending Feb. 24, 1940. This compares with a net operating profit of \$1,665,888 for the corresponding period in the previous year.

The net profit from operations for the period this year before charges for amortization and depreciation of properties, and Federal income tax, was \$4,754,676. The gross income, after eliminating intercompany transactions, for the 26 weeks was \$50,728,842, which compares with \$52,216,483.

The net is equal to \$15.04 per share on the 100,947 outstanding shares of preferred stock, and 35 cents per share on 3,701,090 common shares.

Blumberg to Coast For Summer Stay

Nate J. Blumberg, Universal president, will leave for the Coast by train tomorrow to establish his Summer headquarters at the studio. Blumberg will make occasional trips to New York during the next few months but will make the studio his headquarters throughout the Summer, as he did last year.

Matthew J. Fox, Universal vice-president and Blumberg's executive assistant at the studio, will accompany him West.

Hear Pleas Today On RKO Allowances

Federal Judge William Bondy at 10:30 A. M. today will hear applications for a total of \$2,025,214 and 300,000 shares of RKO common stock as final allowances for legal, trustee and other services to RKO during reorganization. This is the final scheduled step in seven years of reorganization.

RKO will attempt to reduce allowances below the \$1,000,000 mark, it is understood. With this in mind, the company will be represented by independent counsel. The hearing is expected to run several days.

Broadway Grosses Showing Slight Gain

Weekend business along Broadway showed an increase over last week but was still off. Managers attributed the gain to intermittent rains which kept New Yorkers from the World's Fair and prevented trips out of town.

At neighborhood houses, a survey yesterday revealed, business has been under par for several weeks. War news which keeps people at home near their radios was generally the explanation given by circuit heads for the reduced business. It was pointed out that rainy weather for the past week has prevented the Fair from becoming serious opposition.

"Typhoon" with Charlie Barnet's band on the stage at the Paramount grossed an estimated \$20,000 over the weekend and should finish its first week with \$45,000 tonight. It will be held over. "Irene" with a stage show at the Music Hall drew an estimated \$55,000 for the first four days and will

(Continued on page 9)

TELEVISION NOT READY, FCC RULES

Exhibitor Sees Admission Rise Under Neely Bill

WASHINGTON, May 27.—Passage of the Neely block booking bill would result in an increase of admissions, Henry Reeve, independent exhibitor of Menard, Tex., testified before the House Interstate Commerce Committee today as the hearing entered its third week. There is considerable doubt that the public would stand for higher prices, Reeve said.

Y. Frank Freeman, Paramount vice-president and studio head, and Austin C. Keough, vice-president and general counsel, arrived here today to appear before the committee in opposition to the bill.

Freeman will represent the Association of Motion Picture Producers, of which he is president, and will be on the stand tomorrow or Wednesday. Keough is scheduled to make the summation for the opponents of the measure at the end of the hearings.

Reeve told the committee he never has to play any picture unsuitable for his community and that relations with the distributors are steadily improving.

"Our difficulty is not so much bad pictures but too many small ones which are not good box-office," Reeve said. "If I play one of the so-called bad pictures it is my fault."

He said theatrical supply houses anticipate a "great wave" of new business if the bill is passed because many

(Continued on page 9)

Commercialization Is In- definitely Delayed; No Standards Set

WASHINGTON, May 27.—Scrapping the whole setup provided in its order of Feb. 29, the F.C.C. tonight deferred indefinitely any commercial operation of television stations and announced that "full commercialization" will not be considered until "the engineering opinion of the industry is prepared to approve any one of the competing systems of broadcasting as the standard system."

[The order is regarded generally as preventing any early development of the new medium as a major entertainment factor. RCA has developed a system of transmission at 441 lines with 30 frames per second, while the Allen B. DuMont Laboratories, a Paramount affiliate, has a system for 625 lines at 15 frames. Philco Radio & Television Corp. also has developed a system which differs from the RCA method.]

Disposing finally of the issue of "flexibility" which marked its hearings last month, when DuMont and others urged that provision be made for transmission and reception on each system, the F.C.C. held that the public "should not be inflicted with a hodge podge of different television

(Continued on page 9)

Postpone Admiral Case Indefinitely

PHILADELPHIA, May 27.—The anti-trust suit of the Admiral Theatre against Warner Theatres here and the major distributors, scheduled for trial in the U. S. District Court here tomorrow, has been postponed indefinitely.

It is rumored that an out-of-court settlement will be made, although both Morris Wolf, attorney for Warners, and Irvin A. Winegrad, attorney for Reubin Shapiro and the Harub Amusement Corp. operating the Admiral, denied such a move is intended. They said the reason for delay is that many who have been subpoenaed as witnesses, have been called to New York in the Government anti-trust trial which starts next Monday.

The Admiral charges monopolistic practices in cutting off the theatre's product when it tried to cut admissions to compete with circuit theatres.

RKO Retains Gallup Poll Founder To Make Surveys of Film Audiences

George J. Schaefer, president of RKO, yesterday announced that RKO has completed arrangements for the exclusive services in the film field of Dr. George Gallup, founder of the "Gallup Poll."

A new organization, the Audience Research Institute, has been formed for this work, with headquarters at Princeton, N. J. Under the direction of David Ogilvy, it will devote its time exclusively to RKO. This will be entirely separate from the American Institute of Public Opinion, which disseminates the "Gallup Poll" and which at present is making a survey of the double feature situation.

Schaefer said that the new organization will make a continuing study of the tastes, habits and interests of film patrons and that "its principal purpose will be to scientifically assist and guide the RKO studio in its selection of stories, casts and titles." Dr. Gallup, he added, has been engaged in experimental research in the film field for the past five years.

90% Foreign Trade Wiped Out: Wobber

Only nine per cent of the film markets abroad are active, with "more than 90 per cent either frozen, washed out or threatened with eventual total elimination," Herman Wobber, director of 20th Century-Fox distribution, declares in a message to the sales forces.

Pointing out the need for concentrating on increased domestic revenue, Wobber says: "The situation calls for orderly adjustment. If we take immediate steps to cope with this state of affairs and proceed to make ourselves domestically self-sufficient, there is absolutely nothing to fear. The industry never faced a more serious problem. It is a problem that calls for team-work, for complete cooperation . . . If we individually and collectively act at once, this company, and this industry, will emerge from this crisis healthier and stronger than ever."

In view of the foreign situation, all scheduled sales conventions abroad, including those in London, Paris and Scandinavia, have been canceled, and Walter J. Hutchinson, director of foreign distribution, has called off his proposed European trip.

Abernethy Dies at 66

BIRMINGHAM, ALA., May 27.—T. S. Abernethy, 66, first exhibitor in Birmingham, died at his home after a two-week illness.

Personal Mention

CHARLES E. MCCARTHY, director of advertising and publicity for 20th Century-Fox, returned from the Coast by plane yesterday.

SIDNEY R. KENT, president of 20th Century-Fox, is not expected to return from the studio until some time next week.

LOU POLLOCK, Universal Eastern advertising and publicity director, returned to New York yesterday from Chicago and Ohio.

ROBERT MONTGOMERY is reported from London to have joined the American Field Service as an ambulance driver, and will leave for France this week.

ARTHUR FRUDENFELD, RKO division manager in Cincinnati, leaves this week with MRS. FRUDENFELD for a vacation in Hollywood and other California points.

SOL EDWARDS, **ARTHUR SILVERSTONE**, **SEYMOUR POE**, **RUBE JACKTER** and **LOU WEINBERG** at Lindy's (next to the Rivoli) for lunch yesterday. **SOL BERNSTEIN**, **AL YOUNG** and **JACK GOETZ** at Lindy's (51st St.).

JOHN A. SCHWALM, manager of the Rialto, Northio unit, and a City Councilman, has been elected chairman of the Democratic Executive Committee here.

WILLIAM BIEN, executive of Advertising Accessories, is visiting in Cincinnati, where he previously operated a poster supply company.

JACK SEGAL, manager of foreign exchange operations for Columbia, will arrive from Europe today on the *Washington* following a six months survey in Europe.

OSCAR A. DOOB, Loew's advertising and publicity director, returns from Syracuse today.

STANLEY HAND, Altec staff representative, has returned from a three-week trip around the country.

GEORGE SKOURAS, **WILLIAM F. RODGERS**, **HOWARD DIETZ**, **WILLIAM A. SCULLY**, **LEO SPITZ**, **MAX A. COHEN** and **OWEN DAVIS** at Nick's Hunting Room in the Astor yesterday for lunch.

ANNA BELL WARD of the Elliott-Ward Enterprises, Lexington, Ky., and her sister, **ADELINE**, are in town, stopping at the Ambassador.

JACK COHN, **ABE MONTAGUE**, **SAM CITRON**, **DOUGLAS ROTHACKER** and **JOSEPH MALCOLM** lunching at the Tavern yesterday.

EDGAR B. PEARCE, manager of the Plaza, Miami Beach, has been elected president of the Lions Club there.

HARRY GOETZ, **HARRY BRANDT**, **CHARLES SONIN**, **SIDNEY PHILLIPS**, **ROBERT WEITMAN**, **ARTHUR LOEW**, **AL LEWIS**, **MARCUS HEIMAN**, **VERNON DUKE** and **ROBERT WILCOX** lunching at Sardi's yesterday.

WILLIAM R. FERGUSON, M-G-M exploitation manager, has a birthday today.

Balaban, Freeman Arrive from Coast

Barney Balaban, Paramount president, arrived from the Coast by plane yesterday after attending the company's annual sales convention in Los Angeles. He was accompanied by **Y. Frank Freeman**, studio head, and **Austin C. Keough**, vice-president and general counsel.

Neil Agnew, **John W. Hicks** and other home office executives who attended the convention are expected here by train tomorrow and Thursday.

20th-Fox Sets Dividends

The board of 20th Century-Fox yesterday declared a regular quarterly dividend for the second quarter on the preferred stock of 37½ cents per share, payable June 29 to stockholders of record June 15.

Carroll Peacock Dies

LOS ANGELES, May 27.—**Carroll Peacock**, Paramount branch manager here, and for the past 20 years with the company, died yesterday of complications following pneumonia, at the Methodist Hospital. He was 54.

Goodman Cites Increased Latin America Construction

By **EDWARD GREIF**

A marked increase in theatre construction in Latin America, particularly in Puerto Rico, Mexico, Venezuela and Colombia, should prove a major factor in building a greater market for American product, **Morris Goodman**, vice-president in charge of foreign distribution for Republic, declared yesterday on his return from a three-month tour of Latin America.

Goodman said that he found American films in a position of dominance. Spanish language films produced in Mexico and Argentina are not proving strong attractions and German pictures have lost most of their popularity since the war started, he said. French product is still available, hav-

ing been produced before the war, but it is not designed for Latin Americans and does not offer strong competition, Goodman asserted.

Goodman found business conditions generally improved. However, in some Central American republics, because of the lack of trade with Germany which has been cut off by the Allied blockade, business is undergoing a slight depression, he added.

Goodman does not believe that the war in its present stage is having any considerable effect in building up the Latin American market. He pointed to the fact that the republics have been undergoing a trade expansion for a number of years and that this normal expansion should create greater markets for American product.

La. Tax Applies to Films, Court Holds

WASHINGTON, May 27.—Extension of the Louisiana use tax to motion pictures was in effect held valid today by the U. S. Supreme Court in the dismissal, for want of a substantial federal question, in the appeal of the **Saenger Realty Corp.**

The company had sought review of a Louisiana Supreme Court decision reversing a district court ruling that the use tax did not apply to motion pictures leased by exhibitors.

Studio Technicians To Study Economy

HOLLYWOOD, May 27.—Fifty of the leading technicians of Hollywood's film studios will meet Wednesday night at the Beverly Wilshire Hotel, under the auspices of the Research Council of the Academy of Motion Picture Arts and Sciences, to discuss ways of effecting further economies in studio operations.

Darryl F. Zanuck, chairman of the council, called the meeting.

At the conference, organization of the council's new basic committees in the fields of photography, laboratory processing, optics and cine-technical development and sound will be completed. The council's plans call for standing committees, set up to handle cooperatively any problems confronting the industry in these fields.

Adjourn Meeting Of U. A. Directors

A meeting of the United Artists board of directors was adjourned to today following a four-hour session yesterday.

Company officials said new season's plans and policies are under discussion in the light of the international situation. **Mary Pickford** came from the Coast by plane to attend the meeting. Others present included **Maurice Silverstone**, **Dennis F. O'Brien**, **Edward C. Raftery**, **Charles Schwartz** and **Emanuel Silverstone**.

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THE INSIDIOUS USE OF
AND PARACHUTE TROOPS!

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BACKGROUND!...

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"MAD MEN OF EUROPE"

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Produced by NEVILLE E. NEVILLE · From a play by Guy de Maurier

Directed by ALBERT DE COURVILLE

COLUMBIA PICTURES



RKO Planning 53 Features Next Season

(Continued from page 1)

Play's the Thing Productions, Stephens-Lang Productions, Harold Lloyd Productions, United Producers, Voco Productions, Pyramid Pictures, Vogue Pictures, Franklin-Blank Productions and Frank Ross-Norman Krasna Productions.

The company's own producers include: Howard S. Benedict, Bert Gilroy, David Hempstead, Erich Pommer, Clem Beauchamp, Lou Brock, William Siström, Cliff Reid, Robert Sisk and Frederic Ullman, Jr. Producers-directors are George Abbott, David Butler, Orson Welles and Herbert Wilcox.

The shorts program will include 57 single reels, 29 two-reelers and 104 issues of RKO Pathe News.

The feature product on the schedule for next season includes the following, with about 40 titles listed:

Pictures from Books

"Kitty Foyle," starring Ginger Rogers in the Christopher Morley novel, from a screenplay by Donald Ogden Stewart and Dalton Trumbo, produced by David Hempstead.

Charles Boyer will be starred in two productions by Andre Daven and Nat Wachsberger in association with Harry Brandt. The first is "Ariane Pretends," based upon a novel by Claude Anet and directed by Anatol Litvak.

"Sister Carrie," Theodore Dreiser's story, produced by Robert Sisk. Sam and Bella Spewack are doing the screenplay.

"Valley of the Sun," Clarence Budington Kelland's current *Saturday Evening Post* serial, adapted by Bartlett Cormack, produced by Robert Sisk.

"Anne's House of Dreams," one of the L. H. Montgomery stories, will star Anne Shirley and Patric Knowles. Jack Hively will direct. Cliff Reid will produce.

"Little Men," the Louisa May Alcott classic, by Gene Towne and Graham Baker. Kay Francis, Charles Winninger, Jack Oakie, Jimmy Lydon, Charles Esmond and Pamela Cavness cast, to be directed by Norman McLeod.

"Freckles," one of Gene Stratton-Porter's novels, will be produced by Cliff Reid with Joan Carroll and Jimmy Lydon.

"Laddie," another Gene Stratton-Porter story, with Tim Holt and Joan Carroll, Jack Hively director, and production by Cliff Reid.

Plays Source of Material

"The Other Man," from a Pulitzer Prize play by Sidney Howard, will co-star Carole Lombard and Charles Laughton, with William Gargan and Harry Carey. Robert Ardrey is writing the screenplay which will be directed by Garson Kanin and produced by Erich Pommer.

"Two on an Island," starring Ginger Rogers in Aben Kandel's adaptation of the Elmer Rice play, will be produced by Erich Pommer.

Several Musicals Planned

"Too Many Girls," George Abbott's own production of his current Broadway musical, with Lucille Ball, Ann

Schaefer, Depinet Address Employees' Luncheon Today

Every RKO home office and metropolitan district employee, of the picture and theatre divisions, has been asked to join the company's international sales force at a convention luncheon in the Grand Ballroom of the Waldorf-Astoria here today to hear special addresses by George J. Schaefer, president, and Ned E. Depinet, vice-president and distribution head.

Approximately 1,200 persons will be present to hear the company's plans and product for 1940-41, discussed by these executives.

Invitations have been extended to 753 RKO employees in the home office, New York exchange and metropolitan theatre division. An additional 300 RKO men comprise the regular convention body, and players, exhibitors, newspaper and trade paper representatives have been asked to attend also.

At the opening session of the sales convention yesterday, gold awards were presented to the company's 100 per cent salesmen for the past season. They are: L. S. Gruenberg, St. Louis; J. F. Samuels, Los Angeles; S. W. Whitehead, Los Angeles; G. F. Tucker, Albany; E. E. Spiers, Milwaukee, and Jack Ellis, New York. Silver awards were presented to those with sales records of between 90 and 100 per cent.

Schaefer welcomed the delegates at

yesterday's session and commended the foreign department for its current work in the face of many obstacles. He mentioned in particular the work of Reginald Armour, European general sales manager, and Ralph Hanbury, managing director for Britain. Schaefer's principal convention address will be made at today's session.

Depinet announced that increases in sales, billings and shipments had been recorded this season over last. The Los Angeles branch, N. P. Jacobs, manager, led in increase in number of contracts; the Northeastern district, Herb MacIntyre, manager, led the districts, and the Western division, Cresson Smith, manager, finished ahead of the Eastern and Canadian division. Billings increases were led by Milwaukee, A. N. Schmitz, manager; Midwestern district, Walter Branson, manager, and Canada in the divisions. Increase in shipments was led by Calgary, H. F. Taylor, manager, and the Northeastern district.

S. Barret McCormick, advertising and publicity director, discussed his departments' plans at yesterday's session. Other speakers included Walton C. Ament, editor and general manager of RKO Pathe News; Al Sindlinger, advertising and publicity director of March of Time, and Hal Horne, Eastern manager for Walt Disney.

Miller, Frances Langford, Desi Arnaz (from the original show), Ernest Truex and Marie Wilson. John Twist adapted the George Marion play and the music and lyrics are by Richard Rodgers and Lorenz Hart.

Kay Kyser's College of Musical Knowledge again will star in a musical novelty feature produced and directed by David Butler. Cast will include Ginny Simm, Harry Babbitt and Sully Mason.

"No, No, Nanette," Broadway musical with Vincent Youman's music, will star Anna Neagle under the production-direction of Herbert Wilcox. Otto Harbach and Frank Mandel wrote the book for the play and Harbach and Irving Caesar did the lyrics.

"Sunny," the Charles Dillingham musical with a Jerome Kern score, another starring vehicle for Anna Neagle, with Herbert Wilcox as producer-director. Lyrics were written by Otto Harbach and Oscar Hammerstein II.

"They Met in Argentina," a South American musical produced by Lou Brock, with Maureen O'Hara, Gene Raymond and Alberto Vila heading the cast.

Radio Properties

"Dreaming Out Loud" brings to the screen Lum and Abner (Chet Lauch and Norris Goff) in their first feature, supported by Frances Langford, Frank Craven, Phil Harris and Robert Wilcox. Jack Votion and Sam Coslow are the producers (Voco Productions) with Harold Young directing. Barry Trivers and Robert Andrews, authors of the original story, collaborated with Howard Green on the screenplay. Sam Coslow composed the title song.

"Li'l Abner," the syndicated comic strip and radio serial by Al Capp, will provide the first feature by Vogue Productions with Lou Ostrow as production executive.

Series Continuing

"Dr. Christian," starring Jean Her-

sholt, will be continued with three scheduled by Stephens-Lang. William Stephens is producer.

"Scattergood Baines," Clarence Budington Kelland's character already in *American Magazine* serials and on the radio, will be presented in three features by Jerry Brandt and Charles Ford.

"The Saint" series, starring the detective character of Leslie Charteris, three pictures scheduled. First is "The Saint's Vacation."

Original Stories

"The Devil and Miss Jones," an original Norman Krasna story, will star Jean Arthur under the aegis of Frank Ross-Norman Krasna, Inc., with the former as producer.

"Mr. and Mrs. Smith," original by Norman Krasna, will star Carole Lombard.

"Tom, Dick and Harry," starring Ginger Rogers, will be directed by Garson Kanin and produced by Robert Sisk.

"Not Quite a Gentleman," by Garret Fort, will star Charles Laughton with Elsa Lanchester and Lucille Ball. Louis Bromfield will do the screenplay and Erich Pommer will produce.

Ronald Colman will be starred in a feature by the newly-formed United Producers Corp., of which William Hawks is head.

"John Citizen, U. S. A.," is the title of the first starring vehicle of Orson Welles, who will appear in two productions.

"Three Girls and a Gob" will star Maureen O'Hara in the Harold Lloyd production. Grover Jones is writing the original story.

"Passport to Life," with a screenplay by Dorothy Parker and Alan Campbell, will present Cary Grant. Robert Sisk will produce; Garson Kanin will direct.

"Blood Will Tell," with the Santa Anita Handicap as the background,

RKO Pathe News Announces Changes

George Masterton, assistant editor of Pathe News, has been named news editor, it was announced at the RKO sales convention yesterday. George Mills has been named assistant editor and general manager; Bert Cunningham, head of the commercial and library departments; Louise Rousseau takes charge of the Hollywood office and will direct 13 short subjects to be made there; Jay Bonafield, short-subject editor, has been assigned additional production duties.

will be entirely in color with David Butler as producer-director. James Edward Grant and James Kern, who with Butler wrote the original story, will do the screenplay.

"The Ramparts We Watch," first full-length feature produced by The March of Time, inspired by a story by Major George Fielding Eliot. Produced by Louis de Rochemont and directed by Thomas Orchard.

Novelties Scheduled

"The Villain Still Pursued Her," a novelty, will be presented by Harold Franklin with a cast including Anita Louise, Alan Mowbray, Buster Keaton, Joyce Compton, Richard Cromwell, Franklin Pangborn and Charles Judels, and directed by Edward Cline.

"How to Meet a Man," novelty feature, by Gene Towne and Graham Baker's "The Play's the Things" Company.

Other Features on List

"Debutantes, Inc.," with Kay Francis and James Ellison cast, with Cliff Reid producing.

"Men Against the Sky," with a cast headed by Richard Dix, Kent Taylor, Edmund Lowe and Wendy Barrie in a Howard Benedict production to be directed by Leslie Goodwins.

"When I Grow Up," with Jimmy Lydon, will be produced by Howard Benedict.

"I Married a Cheat" will offer Anne Shirley under the direction of Boris Ingster. Lee Marcus will produce.

"Show Business," an original, Alan Mowbray and Donald MacBride in the Broadway producer roles they recently created in "Curtain Calls." Producer Howard Benedict plans one other feature with the Mowbray-MacBride combination.

"Lord Epping Entertains" and "Lord Epping Out West" will co-star Leon Errol and Lupe Velez. Cliff Reid will produce and Leslie Goodwins direct.

"Wagon Train," first of six vehicles that will introduce Tim Holt as a western star. His support will include Ray Whitley and his Cowboy Band.

Short Subject Series

The single shorts reels will be: Walt Disney productions; 13 screen-casts of "Information, Please;" 13 "Picture People," a new Hollywood series starring the stars off the lot; 13 "Sportscopes," an action series on sports.

The two-reel subjects include: 13 issues of "The March of Time;" Edgar Kennedy in six comedies for the eighth consecutive season; Leon Errol in six comedies, and Ray Whitley in four musical western shorts.



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Sees Rise in Scales Caused By Neely Bill

(Continued from page 1)

small theatres will be built "on a shoestring."

Robert H. Poole of Los Angeles, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, testified that "If the Neely bill had been enforced 10 years ago, the industry would not have progressed as it has."

Poole voiced the fear that if the bill is passed "carpet baggers" will come into the industry, building new theatres and taking product away from exhibitors unable to pay the auction prices which he said would result if the companies had to sell films one or two at a time.

"Curtailed production, coupled with increased rentals, will result in prolonged runs in the larger communities and tying up the worth-while product so long as to make it useless to the subsequent-run houses," he said.

Don Ameche Questioned

Hollywood efforts against the Neely bill back-fired when the committee elicited from Don Ameche, appearing in opposition to the bill for the Screen Actors Guild, an admission that he "didn't know" whether he had written a letter to Rep. Clarence J. Brown attacking the measure.

Ameche's admission came while the committee was grilling him as to the authenticity of letters which had been received, during which he admitted he was "on the spot."

Col. Jason S. Joy of the 20th Century-Fox studio traced the development of a picture from the inception of its idea to its final cutting to show the impossibility of complying with the synopsis provisions of the bill.

Taking for illustration the film "Maryland," he showed the committee the various drafts, explaining that seven efforts were made before the first continuity was written. Then, he said, came the final script, which was revised three times before the picture was ready.

Questioning by members of the committee made it clear that they did not agree that it is impossible at any stage of production to write an acceptable synopsis. Joy was questioned as to just when the selling of a picture began, but explained he had no knowledge whatever of distribution, drawing from members of the committee the suggestion that it would have been better had production witnesses testified first and distributors afterward instead of the other way around.

Opposition of the Screen Directors Guild to the synopsis provision was voiced by Albert E. Sutherland and George Stevens, who explained that the best pictures are made by directors who are not tied down to script.

Sue Metro Over Song

Mabel Wayne and Neville Fleeson have filed suit in N. Y. Supreme Court for \$50,000 damages against M-G-M, claiming breach of contract and infringement of their song, "Betwixt and Between." Plaintiffs claim that they sold the song to M-G-M in 1937 but that the defendant substituted "In-Between," written by Roger Edens.

Hollywood Reviews

"The Way of All Flesh"

(Paramount)

HOLLYWOOD, May 27.—Emil Jannings in 1928 received the first Academy statuette for actor honors for his portrayal of a man whose morals and morale crumbled in Paramount's "The Way of All Flesh." This remake, with Akim Tamiroff in the same role, is a substantially revised version of the original and lags considerably. Supporting Tamiroff, who does well with the material, are Gladys George, William Henry, Muriel Angelus, John Hartley and a large cast of supporting players.

The story follows loosely the first version. Tamiroff, Hungarian banker in a Pennsylvania town, is sent to New York with \$100,000 in securities to give to the heirs of an estate. He is "rolled" for the money while made drunk by thieves who use a woman lure, and in a fight that follows one of the bandits is killed with the banker's identification on him. The banker roams about, a tramp, while his family of four children and his wife prosper. After a long montage sequence, telescoping 15 years, one of the sons becomes a master violinist. Tamiroff returns to his town but keeps his identity still a secret.

Louis King directed from a screenplay by Lenore Coffee, based on the story by Lajos Biro and Jules Furthman. Eugene Zukor is associate producer.

Running time, 82 minutes. "G."

VANCE KING

"Women in War"

(Republic)

HOLLYWOOD, May 27.—Republic's "Women in War" is as timely as a news bulletin. It goes behind the scenes of World War II, and tells of the work of a group of nurses, headed by a matron who shields the fact that she is the mother of one of them.

Elsie Janis, "the Sweetheart of the A.E.F." of World War I, Wendy Barrie, Patric Knowles, Mae Clarke, Dennie Moore, Dorothy Peterson, Billy Gilbert, Colin Tapley, Stanley Logan, Barbara Pepper, Pamela Randell, Lawrence Grant and Lester Matthews comprise the cast.

The film, directed by John H. Auer, is replete with dramatic punches, including an air raid by the enemy upon the transport conveying the British nurses across the Channel, blackouts and barrages. Auer, producer Sol C. Siegel and writers F. Hugh Herbert and Doris Anderson execute their assignments competently, although the film, which is 70 minutes long, does not take full advantage of its possibilities.

Miss Barrie, a headstrong young girl, is acquitted by a jury of the accidental murder of an English officer, when it is announced that she has enlisted for war duty as a nurse. Her mother, whom she has not seen infancy, has engineered the ruse, and the girl goes through with the assignment to France. The mother keeps her identity secret until the end of the picture when the girl, regenerated by her mother's heroic deed of stopping a barrage which threatens to kill several nurses in a bombarded village, discovers that she really has fallen in love.

Running time, 70 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Broadway Grosses Showing Slight Gain

(Continued from page 1)

be followed on Thursday by "My Favorite Wife."

At the Roxy, "Lillian Russell" with a stage show held up well and started its second week with an estimated \$24,000 for the first three days of the second week. It will be held for three weeks. Another holdover, "Torrid Zone" with Sammy Kaye's band on the stage, drew an estimated \$19,000 to the Strand for the first three days of its second week and will also be held for a third.

"Ski Patrol" grossed an estimated \$6,000 at the Rialto and was followed by "The Saint Takes Over." "I Was an Adventuress" took an estimated \$5,500 at the Globe, with "Flight Angels" opening on Saturday. "Women in War" will open at the Criterion on Thursday, following a week for "The Biscuit Eater."

Editors Defer Wage Increase Due to War

HOLLYWOOD, May 27.—Postponement of demands for wage increases was disclosed today by the Society of Motion Picture Film Editors, whose board of directors declared: "Because of the emergency conditions which the industry faces due to the war in Europe, the editors feel that all departments should cooperate to the fullest extent."

The board instructed its negotiations committee to concentrate on ironing out grievances and abuses involving the present agreement and seek clarification of certain clauses."

"Fifth Column" Film

HOLLYWOOD, May 27.—Warners will make "The Secret Army," based on the Nazi "Fifth Column" in Holland. Lester Cole is writing the script, which William K. Howard will direct. George Brent, Albert Basserman, Jeffrey Lynn, Brenda Marshall and Elizabeth Earl are tentatively cast.

FCC Scraps Commercial Television

(Continued from page 1)

broadcasting and receiving systems."

Highlights of the decision were:

Provisions for "Class 2" stations, which were originally to be permitted to have limited commercial programs are to be cancelled.

Broader experimental operations will be permitted by existing stations and a number of additional stations, but such stations will be apportioned around the country to prevent the concentration of television facilities in particular centers of population. Additional cities under consideration, besides New York, are San Francisco, Los Angeles, Chicago, Washington, Albany, Cincinnati and Boston.

Will Limit Stations

To prevent monopoly, the F.C.C. will limit the number of stations to be operated by any one licensee and will promulgate rules for network television.

The commission gave no indication when commercial operation would be authorized, saying "the progress of the industry itself will largely determine this matter."

When standards are adopted they must "give definite assurance of satisfactory performance and continuity of service to the public."

Attacking the R.C.A. campaign of March to promote the sale of television receivers, the F.C.C. declared that such activities "act only as an anchor on experimental efforts to go forward. It is obvious that the industry as a whole does not share the R.C.A. view of forging ahead regardless of the untested possibility of improvements on the horizon."

Referring to its charge that the mere use of R.C.A. transmission standards would tend to "freeze" such standards at 441 lines with 30 frames per second, the F.C.C. asserted "the American system of broadcasting has been established by Congress on a competitive basis. Television will be an important part of that system."

Continuing with a statement that "there is no room for squatters," the F.C.C. said, "It is essential to the progress of television that there not be a mere semblance of competition but that there be a genuine and healthy competition within an unfettered industry."

U.S. to Call Wilson In Anti-Trust Suit

Department of Justice officials stated yesterday that the Government will call upon Frank R. Wilson, assistant director of public relations for the Department of Commerce, as a witness in connection with the anti-trust suit against the eight majors. An order authorizing the issuance of a subpoena for Wilson will be submitted within the next few days, it was said.

Wilson was formerly in charge of film publicity for the N.R.A. Before that he was vice-president of Principal Distributing Corp. and in other distributing and theatre enterprises.

May Seek Review Of Neb. Ascap Case

LINCOLN, May 27.—Indications are that the Nebraska Attorney General will move some time next month to obtain a review by the U. S. Supreme Court of the Federal statutory court decision which held the state's anti-Ascap law unconstitutional.

A request for a new trial of the case made by William J. Hotz for the state was denied recently by the statutory court.

The Attorney General's office here has spent considerable time during recent weeks on the Ascap case and further indications that an appeal is in the offing is had in persistent reports that financial aid to assist the state in making an appeal had been obtained in Washington some time ago.

Admission Increase British Tax Problem

LONDON, May 27.—Considerable concern over the application of the new purchase tax to the industry centers chiefly about the impracticability of exhibitor collection from patrons without admission increases.

The resulting heavier admission taxes are seen in some quarters as ultimately defeating the purpose of the tax by decreasing patronage. Exhibitors, who will meet the distributors shortly for discussion of the situation, are expected to contend that the only solution to the problem is a reduction of film rentals.

It is expected that the purchase tax on distributor rentals will be 10 per cent and become effective July 1.

The Cinematograph Exhibitors Association on Wednesday is expected to ratify the agreement with the National Association of Kine and Theatrical Employees to grant all theatre employees a seven and one-half per cent wage bonus, from June 1.

UA-British National Deal Is Completed

Deal by which United Artists will distribute two British National pictures here to meet quota requirements of Samuel Goldwyn and Selznick International has been formally closed, it was stated yesterday by Gerald Freeman, managing director of Anglo-American Films, distributor for British National. An agreement on the deal was reached about a week ago. "Contraband," starring Conrad Veidt, and "Gaslight," starring Diana Wynyard and Anthony Walbrook, are the two British National productions involved in the deal.

Freeman plans to leave for England in about two weeks. He is awaiting the arrival of a print of "Gaslight," recently completed at Elstree.

Seven New Features Approved by Legion

National Legion of Decency has approved all seven films reviewed and classified for the current week, four for general patronage and three for adults. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Bad Man from Red Butte," "The Kid from Santa Fe," "Rocky Mountain Rangers," "Sandy Is a Lady." Class A-2, Unobjectionable for Adults—"Babies for Sale," "Lillian Russell," "Earthbound."

Off the Antenna

A PROMOTIONAL office in the midtown area here was formally approved yesterday by the board of directors of FM Broadcasters, Inc., at a meeting at the Hotel Ambassador. As previously disclosed, Dick Dorance will act as promotion manager. The office will be opened within a few weeks.

The engineering committee also met to consider plans for setting standards for FM transmitters, receivers and other equipment. At least two manufacturers, Stromberg-Carlson and General Electric, are already manufacturing sets to conform to the new F.C.C. frequency assignments.

Present at yesterday's board meeting were John Shepard III, head of the Yankee Network and president of FMBI; John V. L. Hogan, WQXR, who is FMBI vice-president; Theodore C. Streibert, WOR; Paul W. Morency, WTIC, Hartford; Carl Meyers, WGN, Chicago; Ray H. Manson, Stromberg-Carlson; C. M. Jansky, Jr., consulting engineer; Franklin M. Doolittle, WDRC, Hartford, and Walter J. Damm, WTMJ, Milwaukee.

From Des Moines comes the story that A. H. Blank, president of Tri-States and Central States Theatres Corp., issued an order to the managers of more than 100 theatres in the circuit in Iowa and Nebraska to stop the projection machines when President Roosevelt delivered his "Fireside Chat" Sunday night and tune in on the address over the theatres' loud speakers.

Programs: Wythe Williams, Mutual's commentator, whose contract with Philco expires Friday, will be fed to the entire Mutual network as a sustaining show at 9:30 P. M. Mondays and Wednesdays. . . . WABC yesterday signed two local sponsors. Dwight Wiman will sponsor "Musical Comedy Favorites" on Tuesdays, Thursdays and Saturdays at 8:15-8:20 A.M. on behalf of his Broadway production, "Higher and Higher." Starting tonight Gordon Baking Co. will sponsor "Hollywood Dreams" on Tuesdays and Thursdays at 11 A.M. . . . WEFW also signed two new shows to be aired by transcription. "Your Treat" will be sponsored by Armour & Co. for 52 weeks on Mondays, Thursdays and Fridays, and Chrysler Dodge Corp. is sponsoring a five-minute show all this week. . . . Lennen & Mitchell has renewed "Jergens Journal" for an additional 13 weeks over NBC-Blue effective June 30. . . . "Truth and Consequences" has been renewed for a second 13 weeks over CBS. . . . A new type of commentator will be Burrill Freedman who starts a new series, "The Psychology Behind the News" over WBNX tomorrow at 8 P. M.

A new wrinkle in film press books has been developed by Harry Shaw, Loew's New England division manager. It is a press book with sound effects. WTAG, Worcester, last week broadcast the Rita Johnson "homecoming" which had been staged in connection with the opening of "Edison, the Man." A recording of Miss Johnson's arrival, City Hall ceremonies and a radio interview was brought back by Shaw and he proudly played it yesterday for Loew officials gathered in the WHN studios.

Fred Waring will greet the 250,000th member of his studio audience tomorrow at a reception at the Hotel Bristol between broadcasts. Waring's "Pleasure Time" broadcasts over NBC for Chesterfield cigarettes attract huge studio audiences and he has invited newspapermen and agency representatives to be present when the ticket which rounds out a quarter of a million is presented at the Vanderbilt Theatre.

Purely Personal: Jack Hammann, commercial manager of WCAU, Philadelphia, has resigned, effective June 15. He will be associated with Advertising and Selling. . . . Joan Tetsel, actress in "When a Girl Marries" and "Woman of Courage" and John T. Mosman of the WABC-CBS production staff, will be married June 21 and will honeymoon in Bermuda. . . . Dale Jackson has been added to the KDKA, Pittsburgh, continuity staff. . . . Tom Slater, WOR Newark studio manager, will speak on "Speech Interpretation" at Barnard College tomorrow. . . . Henry R. Luce, publisher of Time, will speak on "National Unity" over CBS at 6:30 P.M. Saturday.

All the networks and most of the local stations are observing a four-day holiday over the Memorial Day weekend. NBC will have only a skeleton staff on hand to handle emergencies created by the war news while the other networks will give employees the option of a Friday holiday for either Memorial Day or Independence Day weekend.

McManus Dies on Coast

John Lynn McManus, radio script writer and former newspaperman and editor of Fox Movietone News, died of a heart attack in Hollywood on Saturday. He joined Movietone in 1931 as a newsreel reporter. He wrote scripts for Floyd Gibbons, W. C. Fields and Bob Burns and was handling the Rudy Vallee Sealtest program at the time of his death.

Unger Rites Today

Funeral services will be held here today for Gladys B. Unger, playwright and screen writer, at St. Bartholomew Chapel. Miss Unger died Saturday after a long illness at the age of 55.

Hold Fleischman Rites

HOLLYWOOD, May 27.—Funeral services for Walter Fleischman, 38, writer and publicity man, were held yesterday at Pierce Brothers Mortuary. Fleischman died Friday at the Cedars of Lebanon Hospital after two months' illness. Surviving are his widow, his mother, a son and a brother.

Conselman Dies

HOLLYWOOD, May 27.—William Conselman, Sr., 53, writer, producer and newspaperman, died Saturday of a heart attack at his home here. He is survived by his widow; a son, William, Jr., also a film writer; and a daughter, Dierdre.

Minnesota Officials Contest WNYC Plea

WASHINGTON, May 27.—Fighting for retention of a clear channel for WCCO, Minneapolis, Minnesota state officials today told the F. C. C. that they were opposed to any invasion of the rights of WCCO by WNYC, New York municipally owned station, which is seeking the right to operate until 11 P.M. instead of signing off when the sun sets in Minneapolis.

Four Minnesota Congressmen and a representative of the Minnesota Attorney General declared that the increase of time to WNYC would impair WCCO's service. Special Counsel Alfred W. Bowen declared that Minnesota is not "seeking a controversy with the City of New York" but "will not run away from any controversy which in the course of our efforts to protect our people may be forced upon us." H. J. McCarthy, of District Attorney Dewey's office, represented New York City.

306-Empire Battle Front Is Widened

The dispute between Operators Union Local 306 and Empire State Operators Union widened yesterday with the announcement by Empire that it had succeeded in obtaining a contract at the Carlton, Jamaica. The Carlton was formerly a Brandt house which employed members of 306. It has been taken over by the landlord, and the Empire contract was disclosed yesterday.

Meanwhile, picketing and cross-picketing continue at seven houses in the city. Empire officials declared yesterday they did not expect to extend cross-picketing in the Broadway area in retaliation for the 306 picketing of the Continental.

Opera on Tour Files Union Action Appeal

Notice of appeal to the N. Y. Court of Appeals from a decision of the Appellate Division of the Supreme Court denying an injunction against the American Federation of Musicians and the I.A.T.S.E. was filed yesterday by Opera on Tour, Inc.

Plaintiff seeks to restrain a strike called by the I.A.T.S.E. at the alleged instigation of A.F.M. to compel the plaintiff to employ musicians instead of using recorded music for opera presentations.

Appeal Dismissed In Suit Against CBS

WASHINGTON, May 27.—The U. S. Supreme Court today dismissed the appeal of Station KIRO, Seattle, and CBS, in a libel suit brought against them by the Waldo Hospital Association, asking \$25,000 damages for statements made in a broadcast over the station. The hospital asked and secured dismissal of the case last April 19, leaving nothing for the court to rule on.

Fire Damages House

DUNCANNON, Pa., May 27.—Flames caused \$1,800 damage to the Fox Theatre here early yesterday morning. George L. Ickes, operator of the theatre, is undecided whether to repair the damage or rebuild the structure.



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VOL. 47. NO. 106

NEW YORK, U.S.A., WEDNESDAY, MAY 29, 1940

TEN CENTS

A. W. Smith Is Named Sales Chief of RKO

*Mochrie Succeeds Him in
Eastern Post*

By SHERWIN A. KANE

A. W. Smith, Jr., was named RKO sales manager yesterday by Ned E. Depinet, vice-president in charge of distribution.

Announcement was made at the company's annual sales convention in session at the Waldorf-Astoria here.

At the same time, Robert E. Mochrie, RKO Southern division manager, was named to succeed Smith as Eastern and Canadian sales manager. Cresson E. Smith will continue as Western sales manager. The post of RKO sales man-



A. W. Smith

(Continued on page 8)

Trust Suit Counsel Set Opening Order

Order of appearance of defense attorneys in opening addresses to the court in the trial of the Government's New York anti-trust suit, starting next Monday before Federal Judge Henry W. Goddard, has been agreed upon by defense counsel.

Thomas D. Thacher, chief counsel for Paramount, will make the opening address to the court and Judge Joseph Proskauer, chief counsel for Warners,

(Continued on page 6)

Television Officials Silent on FCC Order

Television executives refused to comment yesterday on the F.C.C. order indefinitely postponing television commercialization.

Informed observers remarked that the order represented a defeat for all sides within the industry. It was generally agreed that television requires audience participation for further development.

S.E.C. Seeks RKO Allowances Cut To \$600,000 Top

The Securities & Exchange Commission at a hearing yesterday asked Federal Judge William Bondy for "a drastic reduction" of petitions for allowances in RKO proceedings from a requested total of \$2,025,214 to a maximum of \$600,000.

Intervention by the S.E.C. is in accordance with the requirements of the Chandler Act which calls for its recommendations to the court on all hearings on allowances in reorganization proceedings. The maximum of \$600,000 does not include a request by Atlas Corp., proponent of the reorganization plan, for 100,000 shares of RKO common stock, Marland Gale, S.E.C. attorney, stated.

Judge Bondy postponed further consideration of allowances to June 18 when Thomas K. Finletter, attorney for RKO, requested time to study petitions and expense vouchers before making his plea for reductions.

Gale, in a two-hour court address,
(Continued on page 6)

Lapidus Named 'U' Eastern Manager

Jules Lapidus, Universal's Pittsburgh branch manager, has been appointed Eastern district manager and will cover Boston, New Haven, Washington and Philadelphia, William A. Scully, general sales manager, announced yesterday. Pete Dana, special representative, will take over the Pittsburgh office.

Lapidus will make his headquarters at the New York exchange.

Republic Sets 58 Films, Four Serials Next Season

SAN FRANCISCO, May 28.—Republic will release a total of 58 features and westerns and four serials next season, the Pacific Coast sales meeting was told here today by James R. Grainger, president. The program is an increase of eight over the current season.

Other executives attending the two-day regional meeting here, first of four, are: Herbert J. Yates, president of Consolidated Film Industries, and M. J. Siegel, president of Republic Productions. Franchise holders and branch managers from the West are present.

The list includes four De Luxe, six Anniversary and 16 Jubilee films, with the inclusion of two Gene Autry musical westerns. The western program

FREEMAN WARNS NEELY BILL WILL CUT PRODUCTION

*Paramount Studio Head Says Industry
Faces 'Most Serious Crisis'; Sees
End of Talent Contracts*

WASHINGTON, May 28.—If the Neely bill is enacted, Y. Frank Freeman, vice-president in charge of Paramount production, will recommend a drastic reduction of the company's investment, elimination of its talent contracts and the production of one film at a time, he told the House Interstate Commerce Committee today.

Freeman said the industry is facing "the most serious crisis ever before it," with the possibility that some industry units may founder.

Questioned by Representative McGranery on the possibility of providing synopsis after films are completed, the witness declared, "I am not going to take a chance, as an individual, of writing a synopsis and sending

it out to 17,000 exhibitors, any one of whom can claim a violation of law and have me convicted of a crime."

Freeman told Representative Kennedy that "no man can define the moral code of America."

He said further that "the English system of selling pictures singly after trade show-



Frank Freeman

ings has not been successful. Production problems in England even before the war were almost insurmountable." The foreign market has been contracting for the past five years, he said. The industry today is out of Russia, Germany and countries under German domination, and Italy, and under severe handicaps in France, Australia, Spain and England, while in Canada the currency value has dropped 20 per cent compared with the American dollar.

During Freeman's testimony Representative Boren, who repeatedly has referred slightly to the work of the Production Code Administration, sharply criticized permitting a char-

(Continued on page 8)

Roosevelt Proposes Increase in Taxes

Washington, May 28.—An increase of 10 per cent in all taxes, including the admissions levy, today was suggested by President Roosevelt as one of two steps to pay for national defense. This would raise \$2,000,000 more at the box-office.

will be changed to include eight Don Barry films, in addition to six Gene Autry pictures, eight with Roy Rogers and eight with the Three Mesquiteers. Four serials will be produced.

Heading the new season's program are "Lady From New Orleans," a Beth Brown story; "Hit Parade of 1941," a musical; "Soldiers of Fortune," a Richard Harding Davis story, and "Thunder Over Alaska," by Rex Beach.

"False Witness," by Irving Stone; "Storm Over India," by Richard Blaker; "Puddin' Head," starring Judy Canova; "Gangs of Kansas City," by Jack Moffitt; "The Big Bonanza," a Peter B. Kyne story, and

(Continued on page 6)

No Paper Tomorrow

Motion Picture Daily will not be published tomorrow, Decoration Day.

Suspend C.E.A. Summer Meeting

London, May 28.—The Cinematograph Exhibitors Association has decided to suspend the annual Summer conference this year, which had been scheduled for July 8-10 at Bournemouth.

Joint Operation in Landis Settlement

PHILADELPHIA, May 28.—Cooperative operation of Warners' Grand and Globe and the independent Landis in Vineland, N. J., is embodied in the recent out-of-court settlement of the Landis anti-trust suit against Warners, it was disclosed here when the Federal court dismissed the bill of complaint.

The circuit and the independent will work on "a mutual basis." Warners will buy all product, split the films as they are needed by the three houses, and profits will be divided at the end of each fiscal year. Warners may close one of its two houses in Vineland.

The settlement also provides that Warners pay costs of the action over first runs, said to be about \$20,000.

U. A. Meeting Monday

Meeting of United Artists board of directors was adjourned yesterday to next Monday, following a second session lasting several hours. The meeting, primarily occupied with discussions of company policy in the light of the new international situation, convened first on Monday.

Personal Mention

SAMUEL GOLDWYN plans to leave for the Coast within the next day or two.

SOL LESSER plans to leave for the Coast on Friday.

EDWARD M. SAUNDERS, M-G-M Western sales manager, is expected from the Coast the latter part of this week.

J. J. MILSTEIN, Eastern representative for EDWARD SMALL, returns from the Coast next Monday.

SIDNEY H. PIERMONT, Loew's vaudeville booker, returns from a Coast vacation next Monday.

ABE SCHNEIDER, ABE MONTAGUE, HARRY GOLD, SOL EDWARDS, M. A. SCHLESINGER and ARTHUR SILVERSTONE lunching at Lindy's (next to the Rivoli) yesterday.

PETER DEFazio, Warner New Haven salesman, will be married on Friday to ROSE CIVITELLI.

RALPH E. PASHO, son of EUGENE PASHO of the Gem, Naugatuck, Conn., has been appointed to West Point.

PETER CLARK, vice-president of Peter Clark, Inc., manufacturers of stage equipment, has returned from a six-week business trip through the South.

ARTHUR JEFFREY of the United Artists publicity department leaves today for Syracuse, to be gone a week.

WATTERSON ROTHACKER, Hollywood vice-president of the Quigley Publications, returns to the Coast today.

PERRY LIEBER, RKO studio publicity chief, here for the sales meeting, is seeing New York for the first time.

A. GARDNER, exhibitor from Ceylon, India, here with his wife, was a visitor at the RKO convention.

IRVING BERLIN, WILLIAM and BERNARD BRANDT, ABE LYMAN and LESLIE SARTLEY lunching at Lindy's (51st St.) yesterday.

STANTON GRIFFIS, CHARLES E. MCCARTHY, HERMAN WOBBER, LEON NETTER, LEONARD GOLDENSON, HAROLD FRANKLIN and TONY MARTIN lunching yesterday at Sardi's.

MAURICE SILVERSTONE, SOL LESSER, CHARLES SCHWARTZ, JACK MILLS, DOUGLAS ROTHACKER and SAM CITRON at the Tavern yesterday for lunch.

T. J. CONNORS, Mr. and Mrs. HOWARD DIETZ, EARL CARROLL, HARRY KATZ, TED O'SHEA and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch yesterday.

Para. Latin America Conference Planned

Paramount will hold a Latin American sales conference here shortly on new season's product, with John W. Hicks, vice-president in charge of foreign distribution, presiding. Hicks is due from the Coast tomorrow with George Weltner, assistant foreign department manager, and Albert Deane, assistant to Hicks.

A. L. Pratchett, general manager for Cuba, Mexico and Central America, is due June 5 by plane. S. E. Pierpont, Brazil manager, will arrive June 8 on the *Uruguay* from Rio de Janeiro, and J. D. Rapoport, Havana branch manager, will arrive over the weekend. George Fraser, foreign advertising and publicity manager, will arrive from the Coast June 3.

Publicists Approve Affiliation with SPG

Formal approval for affiliation with the Screen Publicists Guild was voted at a meeting of Screen Publicists and Advertisers Guild early yesterday morning. The S.P.A.G. will change its name to Screen Publicists Guild of New York. A national convention will be called shortly.

Jules Levey West

Jules Levey will accompany Nate J. Blumberg, Universal president, to the Coast today. The two will leave by plane, Blumberg to remain on the Coast for the Summer and Levey to return here in about two weeks. Matthew J. Fox, Universal vice-president, leaves for the Coast by train today with members of Blumberg's family.

Longo to Cleveland

Joseph Longo, former assistant in the publicity department of Loew's in Boston, has been named in charge of circuit publicity in Cleveland, replacing Milton Harris, resigned.

Newsreel Parade

President Roosevelt's address warning of "fifth column" activities is the chief event in the new issues. The war continues to dominate. Contents of the mid-week issues follow:

MOVIETONE NEWS, No. 75—Fighting at Narvik. German prisoners in England. Troops in Egypt. Ciano speaks in Italy. King Carol reviews army. Devastated areas in Belgium and France. Roosevelt's address. New bomb fails in test.

NEWS OF THE DAY, No. 273—Refugees flee Belgium. Germans held in England. Allied fleet in Narvik battle. Roosevelt warns of "fifth column." Barlow's bomb fails in test. Select "Mr. America."

PARAMOUNT NEWS, No. 78—Canada calls for men. Admiral Leahy in Washington. U. S. ship sails for Ireland. Allied troops in Egypt. Ciano discusses war. Fighting at Narvik. Nazi troops captured in England. Refugees in war areas. Hospital bombed in France. Roosevelt speaks.

RKO PATHE NEWS, No. 90—Destruction in Belgium. Roosevelt speaks. German soldier captured in England. Golden Gate Exposition opens. Super bomb fails in test. Name "Mr. America" in New York.

UNIVERSAL NEWSREEL, No. 879—War in Belgium and France. British fleet in Narvik battle. Ciano speaks in Rome. Troops in Egypt. Roosevelt's "fifth column" warning. New bomb fails in test. Golden Gate Exposition opens. "Mr. America" selected in New York.

Labor Board Defers Prudential Hearing

Hearing before the State Labor Relations Board on the petition of the M.P. Division of Theatrical Managers, Agents and Treasurers Union for recognition as collective bargaining agency in the Prudential circuit was postponed for several days yesterday to permit both sides to collect their evidence. At a meeting on Monday, the T.M.A.T. governing board ordered the expulsion of Ben Broudie and Stockton Leigh.

Walter Connolly Dies

HOLLYWOOD, May 28.—Walter Connolly, 52, veteran actor, died unexpectedly at his home here today. He entered films in 1932 after 25 years on the stage. He is survived by his widow, Nedda Harrigan, and a daughter, Anne.

Jack Otterson Re-signed

HOLLYWOOD, May 28.—Jack Otterson, Universal's top art director, was today given a new term contract.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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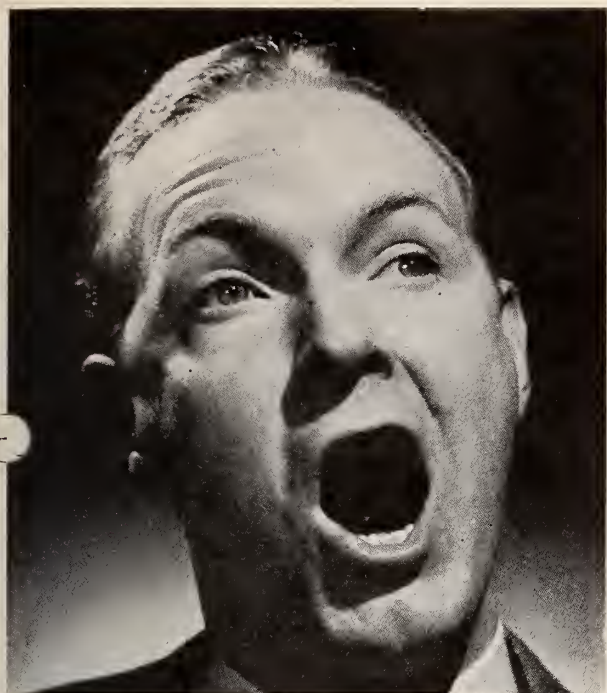
	Lv. New York	Ar. Los Angeles
The Sun Country Special	7:00 am	12:20 am
The Plainsman	4:15 pm	8:15 am
The Mercury	5:10 pm	7:40 am
The Southerner	10:15 pm	1:39 pm

(Schedules shown are Standard Time)

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Ticket Offices: 18 W. 49th Street at Rockefeller Center and 45 Vanderbilt Ave. at Grand Central.

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WORD-OF-MOUTH!



CAPITOL's THIRD WEEK!

"A cinch to win you"—*Walter Winchell*

"Excellent story and production. Taylor superb"
—*Louella Parsons, Columnist*

"Hike straight to the Capitol"—*Times*

"Absorbing screen drama"—*Herald Tribune*

"Sure to be popular"—*Sun*

"Excellent. Taylor's best, Miss Leigh fine"—*Post*

VIVIEN LEIGH *and* ROBERT TAYLOR!

Metro-Goldwyn-Mayer's

WATERLOO BRIDGE

*extends its CAPITOL stay
for another week!*

Broadway & 51st Street, Major Edward Bowes, Mng. Dir.

with Lucile Watson, Virginia Field, Maria Ouspenskaya, C. Aubrey Smith • A Mervyn LeRoy Production • Screen Play by S. N. Behrman, Hans Rameau and George Froeschel • Based on the Play "Waterloo Bridge" by Robert E. Sherwood Directed by Mervyn LeRoy • Produced by Sidney Franklin • An M-G-M Picture



THE EMOTIONAL

WOMEN

ELSIE JANIS · WENDY BARRIE · PATRIC KNOWLAND

The background of the poster is a black and white illustration of a war-torn landscape. In the foreground, there are ruins of buildings and a large, dark, jagged shape that looks like a crater or a destroyed structure. In the middle ground, there are several military vehicles, including tanks and trucks, some of which are on fire or being destroyed. In the background, there are more buildings, some of which are also on fire, and a large plume of smoke rising into the sky. The overall scene is one of chaos and destruction.

"BIG PARADE" OF TODAY!

It's Sensational!

Gay girls, sad girls! Thrown
together in the mad whirl
of life and death, love and
laughter that is war!

IN WAR

A *Republic*
PICTURE

LES • MAE CLARKE • DENNIE MOORE • DOROTHY PETERSON
BILLY GILBERT • COLIN TAPLEY • Directed by JOHN H. AUER •

Republic Plans 58 For Next Season Plus Four Serials

(Continued from page 1)

"Roaring Forties," by Nat Ferber, are six Anniversary productions.

The two Gene Autry specials are: "Melody Ranch" and "Down Mexico Way," a story by Jack Moffitt.

The 16 Jubilee productions are: "The Impostor"; "Barnyard Follies," rural musical; "The Girl From Frisco," story by Medora Field; "Black Beauty," the Ann Sewell classic; "Doctors Don't Tell," *Liberty Magazine* story; "Meet the Missus," a Higgins Family film; "Friendly Neighbors," starring Weaver Brothers and Elviry; "Moon Over Mulberry Street," from the stage play; "Ten Nights in a Barroom," a modernized version by William W. Pratt; "Bowery Boy"; "Arkansas Judge," starring Weaver Brothers and Elviry; "Petticoat Politics," a Higgins Family film; "Notorious Lady"; "Honeymoon Isle"; "Old Gray Mare," starring Weaver Brothers and Elviry.

"Old Mill Stream," "Ride Tenderfoot, Ride," "Valley of the Moon," "Song at Twilight," "Under Fiesta Stars," and "Old Faithful" are six Autry productions.

Eight Roy Rogers Westerns

The eight westerns in the Roy Rogers' group will be "Colorado," "Border Legion," "Young Bill Hickok," "Robin Hood of the Pecos," "Custer's Last Stand," "In Old Cheyenne," "Sheriff of Tombstone," and "Nevada City."

Bob Livingston, Raymond Hatton and Duncan Renaldo, the Three Mesquiteers, will be seen in "Oklahoma Outlaws," "Arizona Skies," "Texas Trail Blazers," "Phantom Raiders," "Gaucho of Eldorado," "Raiders of the Alamo," "The Old Spanish Trail" and "Code of the Desert."

The new Don Barry series of eight will include: "Tulsa Kid," "Frontier Vengeance," "Two Gun Sheriff," "Texas Terror," "Wyoming Wildcat," "Desert Bandit," "Kansas Cyclone," and "Bad Man From Rio."

The four serials are: "Superman," "Dick Tracy Strikes Again," each 15 episodes and "Jungle Girl" and "King of the Royal Mounted," 12 episodes each.

FWC Office Moves

The Fox West Coast Corp. has moved the Salt Lake booking office to the Paramount Exchange Building.

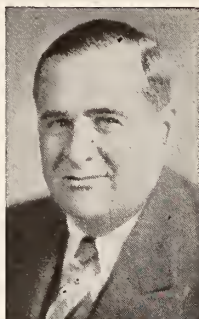
English "Gaslight" Success Forecast

London, May 28.—International success was forecast for British National's "Gaslight," previewed here today by Anglo-American. The film is intensely dramatic, building through a tense psychological atmosphere to a forceful climax.

It is flawlessly produced, its Victorian sets and atmosphere are authentic and Thorold Dickinson directed expertly. The portrayals are by Diana Wynyard and Anton Walbrook.

Flanagan

At Republic Convention



J. R. GRAINGER
Republic Pictures
President



H. J. YATES
Consolidated Film
Industries Head



M. J. SIEGEL
Republic Prod.
President

Feature Reviews

"Torpedo Raider"

(Monogram)

Inspired by the memorable early phase of Europe's present conflict, "Torpedo Raider" is mainly a picture of a sea battle off the coast of South America. With mild suspense the story is built around the highlights of the film, these being two battles in which a British and a German boat sink. Use of library shots and special effects is apparent.

Walter Forde directed the J. O. C. Orton screenplay for Gaumont British. The dialogue by Michael Hogan and Gerald Fairlie is effective.

Central figure in the story is John Mills, convincing in his role of a young British seaman. Prior to the outbreak of war, officers and crew of a German and a British boat, both in a South American port, are friendly. Soon after, with the declaration of war, both boats engage in battle, the Germans emerging victorious. Surviving, Mills is taken prisoner, but knowing another British ship is in search of the German boat, he escapes, and detains the latter so that it falls into the hands of the second British boat. Mills is killed by German guns after his effort results in the British victory.

Running time, 60 minutes. "G."*

"Phantom Raiders"

(M-G-M)

HOLLYWOOD, May 28.—Second of the Nick Carter detective melodrama series for M-G-M, "Phantom Raiders" again presents suave Walter Pidgeon as Nick Carter, and Donald Meek, as his unwanted stooge. Set in the Panama Canal zone, the story (screenplay by William R. Lipman and original by Jonathan Latimer), is an effervescent comedy-melodrama in which Pidgeon solves the mystery of the disappearances of insured ships bound for England and the war zone.

Supporting Pidgeon and Meek is a cast which includes Joseph Schildkraut, Florence Rice, Nat Pendleton, John Carroll, Steffi Duna. Jacques Tourneur directed with a light hand, letting the audience know almost immediately who the criminals are and sustaining suspense throughout by showing how they are captured. Frederick Stephani produced.

The preview audience, composed for the most part of young folk, evinced great interest.

Running time, 70 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Bookers Talk Insurance

Adoption of unemployment insurance for members of the Bookers Club of New York was discussed at a meeting of the organization Monday night at the Hotel Lincoln. Harold Kline presided. Sol Kravitz of Monogram was named corresponding secretary at the meeting, succeeding Dora Fried, resigned.

They Miss Hellinger

Mark Hellinger, columnist and screen writer, will be remembered at a party today at Toots Shor's Restaurant to be tendered by friends "who miss him." Those attending will join in a long distance phone message to Hellinger, who is on the Coast. Sponsoring committee includes Walter Winchell, Louis Sobol, Bill Corum, Frank Graham and Ted Husing.

S.E.C. Seeks RKO Allowances Cut To \$600,000 Top

(Continued from page 1)

continually emphasized the financial condition of RKO and declared that an S.E.C. study of petitions, court records and financial statements had convinced him that RKO could not pay more than \$600,000.

The S.E.C. report was preceded by attorneys' appeals to Judge Bondy, in which the services rendered by each of 28 petitioners were described to the court. Chief target of Gale's attacks was the application of Atlas for approximately \$850,000 in expenditures.

Gale contended that Atlas could not ask for reimbursements for payments made to Leo Spitz, W. J. Merrill and Rathvon & Co. in their advisory capacity during reorganization. He asserted that these payments were made solely to better the Atlas investment in RKO although he was careful to say that he did not criticize the propriety of the expenditures.

The Atlas petition for 100,000 shares of common stock should stand, Gale stated. In requesting reductions on other applications, Gale declared that RKO should not be compelled to pay a substantial sum for services rendered in drafting the first plan of reorganization which had failed.

Judge Bondy told attorneys that they would have an opportunity to answer the S.E.C. recommendations at the adjourned hearing.

Trust Suit Counsel Set Opening Order

(Continued from page 1)

the closing address, as reported by MOTION PICTURE DAILY on Monday. John W. Davis, chief counsel for Loew's, has been allotted the Number 2 position; Ralph H. Harris, chief counsel for 20th Century-Fox, is third on the list; Col. William J. Donovan, chief counsel for RKO, is fourth; Louis D. Frohlich and Herman Finckelstein, counsel for Columbia, will appear fifth, and Edward C. Raftery, trial counsel for United Artists and Universal, will be sixth, followed by Proskauer.

The Government will open the trial, with indications still pointing to the opening address being made by U. S. Attorney General Robert Jackson. He would be followed by Thurman W. Arnold, head of the anti-trust division of the Department of Justice, with Paul Williams, Arnold's first assistant in the industry suit, appearing third.

The Government's counsel is expected to require the entire first day and perhaps part of the second for its opening. The defense expects to open on Tuesday, possibly continuing into the third day of trial. The Government will place its witnesses on the stand thereafter, going into the Philadelphia situation first.

Yorke Files Suit

Emerson Yorke, commercial film producer, has filed suit against the Loucks & Norling Studio for money allegedly due under a contract. Yorke wants compensation for work in the production of a third dimensional picture for the Chrysler Corp., which is being shown at the World's Fair.

'Typhoon' Hits \$6,200 While Seattle Slips

SEATTLE, May 28.—With baseball and warm weather as competition, only one house did better than average, the Orpheum, with "Typhoon" and "Marines Fly High," drawing \$6,200, estimated takings for the week ending May 24:

"Dr. Cyclops" (Para.)
"Shooting High" (20th-Fox)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$2,900. (Average, \$4,000)
"My Favorite Wife" (RKO)
"And One Was Beautiful" (M-G-M)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, 2nd week. Gross: \$5,900. (Average, \$7,000)
"21 Days Together" (Col.)
"Outside the 3-Mile Limit" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: \$4,000. (Average, \$5,000)
"Buck Benny Rides Again" (Para.)
"Honeymoon Deferred" (Univ.)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,600. (Average, \$4,000)
"Typhoon" (Para.)
"Marines Fly High" (RKO)
ORPHEUM — (2,450) (25c-40c) 7 days. Gross: \$6,200. (Average, \$6,600)
"Angel From Texas" (W. B.)
"In Old Missouri" (Rep.)
PALOMAR—(1,500) (15c-25c-40c) 7 days. Vaudeville headed by Gautier's Pets. Gross: \$4,600. (Average, \$5,000)
"If I Had My Way" (Univ.)
"Enemy Agent" (Univ.)
PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$5,700. (Average, \$6,000)

Kemp and 'Grandpa' \$11,000 Milwaukee

MILWAUKEE, May 28.—Hal Kemp and his band and the film, "Grandpa Goes to Town," grossed \$11,000 at the Riverside. "Buck Benny Rides Again" and "Adventure in Diamonds" connected for \$7,800 at Fox's Palace.

Estimated takings for the week ending May 21-23:

"Buck Benny Rides Again" (Para.)
"Adventure in Diamonds" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$7,800. (Average, \$4,000)
"Grandpa Goes to Town" (Rep.)
RIVERSIDE—(2,700) (25c-35c-40c) 7 days. Stage: Hal Kemp. Gross: \$11,000. (Average, \$6,500)
"Primrose Path" (RKO)
"Dr. Cyclops" (Para.)
STRAND—(1,400) (25c-35c-50c) 6 days. Gross: \$1,100. (Average, \$1,500)
"My Favorite Wife" (RKO)
"Beyond Tomorrow" (RKO)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$7,000. (Average, \$4,500)
"Waterloo Bridge" (M-G-M)
"On Their Own" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$6,100. (Average, \$5,500)

'Waterloo' Scores \$8,500, New Haven

NEW HAVEN, May 28.—"Waterloo Bridge" dualled with "Blondie on a Budget" at the Loew-Poli took \$8,500. "Irene" and "Courageous Dr. Christian" grossed \$5,200 in 6 days at the Roger Sherman.

Estimated takings for the week ending May 24:

"I Was an Adventuress" (20th-Fox)
"The Ghost Comes Home" (MGM)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: \$1,600. (Average, \$2,700)
"Waterloo Bridge" (M-G-M)
"Blondie on a Budget" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,500. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
"Framed" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 5 days, 2nd week. Gross: \$2,600. (Average, \$4,000)
"Irene" (RKO)
"Courageous Dr. Christian" (RKO)
ROGER SHERMAN—(2,200) (35c-50c) 6 days. Gross: \$5,200. (Average, \$5,000)

Hollywood Reviews

"Lucky Cisco Kid"

(20th Century-Fox)

HOLLYWOOD, May 28.—Cesar Romero, in his third "Cisco Kid" role here rights the wrongs committed in a Western town by the town's "Judge," who works in cahoots with a bandit using the name of the "Cisco Kid" as a masquerade.

Helping Romero in his role of modern Robin Hood are Chris-Pin Martin, his usual ally; Mary Beth Hughes, as a cafe singer, and Evelyn Venable, a ranch owner who is being robbed of her possessions. Dana Andrews appears as an enthusiastic Army sergeant whose days and nights are devoted to catching the "Cisco Kid" and wooing the singer.

The original story, based on the character created by O. Henry, was written by Julian Johnson, the screen play by Robert Ellis and Helen Logan. Sol Wurtzel was executive producer, John Stone associate producer and H. Bruce Humberstone the director.

A non-professional preview night audience found the picture refreshing entertainment, and seemed enthusiastic about the "Cisco Kid" character.

Running time, 59 minutes. "G."*

W. S.

"You're Not So Tough"

(Universal)

HOLLYWOOD, May 28.—As cued by its title, this offering portrays the reformation of a boy of the road when he is treated with love and understanding.

As the boy in question, Billy Halop poses as the long-lost son of a ranch owner, and ultimately saves the ranch when the local Fruit Growers Association attempts to boycott it because it pays high wages. With young Halop are Huntz Hall, Gabriel Dell, Bernard Punsley and Bobby Jordan, all also of the Dead End Kids. Seen, too, are the "Little Tough Guys." The ranch owner is depicted by Rosina Galli, her foremen by Henry Armetta, and Nan Grey provides romantic interest.

An original story by Maxwell Aley, the screenplay was written by Arthur Horman. Joe May directed and Ken Goldsmith acted as associate producer.

Running time, 72 minutes. "G."*

W. S.

*"G" denotes general classification.

'Irene' Providence Winner with \$8,000

PROVIDENCE, May 28.—"Irene" and "Alias the Deacon," doubled at the RKO Albee, took \$8,000, and "Typhoon" and "In Old Missouri," paired at the Strand, drew \$7,900. Business elsewhere was off.

Estimated takings for the week ending May 22-23:

"Irene" (RKO)
"Alias the Deacon" (Univ.)
RKO-ALBEE — (2,239) (25c-35c-50c) 7 days. Gross: \$8,000. (Average, \$6,000)
"Dr. Kildare's Strange Case" (M-G-M)
"One Million B. C." (U. A.)
LOEW'S STATE—(3,232) (25c-35c-50c) 6 days. Gross: \$7,900. (Average, \$11,000)
"Star Dust" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 6 days. Gross: \$3,700. (Average, 7 days, \$7,000)
"Typhoon" (Para.)
"In Old Missouri" (Rep.)
STRAND — (2,200) (25c-35c-50c) 7 days. Gross: \$7,900. (Average, \$6,000)
"Flight Angels" (W. B.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Six Antalaks; Henning & Ray; Dick and Dotty Remy; Kay Mayfield; Stone & Ross. Gross: \$4,100. (Average, \$6,500)
"20 Mule Team" (M-G-M)
"40 Little Mothers" (M-G-M)
CARLTON—(1,526) (25c-35c-50c) 6 days. Gross: \$1,600. (Average, 7 days, \$3,500)
"The Blue Bird" (20th-Fox) (3 days)
"Free, Blonde and 21" (20th-Fox) (3 days)
"Young Tom Edison" (M-G-M) (4 days)
"Too Many Husbands" (Col.) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,500. (Average, \$1,700)

De Mille Films in Color

HOLLYWOOD, May 28.—Cecil B. De Mille will use color on all three features he will produce in the next two years for Paramount release.

'Wife' Is Cincinnati Smash with \$19,500

CINCINNATI, May 28.—"My Favorite Wife" paced the field here, giving the RKO Albee a smash \$19,500. "Twenty Mule Team" garnered \$6,700 at Keith's, and "Buck Benny Rides Again" drew \$5,000 in the second week at the RKO Lyric.

Estimated takings for the week ending May 22-25:

"My Favorite Wife" (RKO)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$19,500. (Average, \$12,000)
"If I Had My Way" (Univ.)
RKO PALACE—(2,700) (35c-42c) 6 days. Gross: \$6,500. (Average, 7 days, \$10,000)
"A Bill of Divorcement" (RKO)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: \$3,400. (Average, \$10,000)
"Irene" (RKO)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 2nd week. Gross: \$5,000. (Average, \$6,500)
"Buck Benny Rides Again" (Para.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$5,000. (Average, \$5,000)
"Rancho Grande" (Rep.)
"Grandpa Goes to Town" (Rep.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,300. (Average, \$1,500)
"And One Was Beautiful" (M-G-M)
"Enemy Agent" (Univ.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$900. (Average, \$900)
"Twenty Mule Team" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$6,700. (Average, \$6,000)

Delay Union Election

NEW HAVEN, May 28.—Unit B-41 of the exchange employees' union has postponed its May annual nomination meeting until June 4, when both nomination and election of officers for the coming year are scheduled. The meeting will be held at the Hotel Garde, with Jack Mullen presiding.

Bob Hope Is Loop Smash With \$64,000

CHICAGO, May 28.—Bob Hope and Jerry Colonna on the stage of the Chicago, with "The Doctor Takes a Wife" on the screen, drew a smash \$64,000. "If I Had My Way" at the Oriental, with Milton Berle and a revue on the stage, accounted for \$29,000.

Estimated takings for the week ending May 22-25:

"Rebecca (U.A.)
APOLLO—(1,400) (35c-55c-75c) 7 days, 3rd week. Gross: \$5,000. (Average, \$6,500)
"The Doctor Takes a Wife" (Col.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Bob Hope and Jerry Colonna. Gross: \$64,000. (Average, \$32,000)
"Primrose Path" (RKO) (5 days)
"Babies For Sale" (Col.) (2 days)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$3,400. (Average, \$5,000)
"If I Had My Way" (Univ.)
ORIENTAL—(3,200) (35c-55c-65c) 7 days. Milton Berle and Revue. Gross: \$29,000. (Average, \$13,000)
"20 Mule Team" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: \$10,000. (Average, \$11,000)
"The Ghost Comes Home" (M-G-M)
STATE-LAKE — (2,700) (25c-35c-50c) 7 days. Stage: Joe E. Lewis. Gross: \$15,500. (Average, \$15,000)
"Strange Cargo" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: \$7,000. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (\$1.10-\$1.50) 7 days, 17th week. Gross: \$10,000.

Lewis and '21 Days' \$27,500 in Detroit

DETROIT, May 28.—Ted Lewis with his battered "high hat" on the stage with "21 Days Together" as the film drew \$27,500 at the Fox. The Michigan reported \$15,000 with "Typhoon" and "Dr. Kildare's Strange Case."

Estimated takings for the week ending May 24:

"If I Had My Way" (Univ.)
"Charlie Chan's Murder Cruise" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Young Tom Edison" (M-G-M)
"Castle on the Hudson" (W. B.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,800. (Average, \$7,000)
"21 Days Together" (Col.)
FOX—(5,000) (20c-35c) 7 days. Ted Lewis in person "Happiness Revue." Gross: \$27,500. (Average, \$15,000)
"Typhoon" (Para.)
"Dr. Kildare's Strange Case" (M-G-M)
MICHIGAN — (4,000) (15c-65c) 7 days. Gross: \$15,000. (Average, \$12,000)
"Buck Benny Rides Again" (Para.)
"20 Mule Team" (M-G-M)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$9,500. (Average, \$7,000)
"40 Little Mothers" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$7,500. (Average, \$10,000)

'Russell' Garners Good \$8,100, Omaha

OMAHA, May 28.—"Lillian Russell" hit \$8,100 at the Orpheum and "Irene" took \$5,200 at the Brandeis.

Estimated takings for the week ending May 22-23:

"Irene" (RKO)
"Beyond Tomorrow" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$5,200. (Average, \$4,000)
"Buck Benny Rides Again" (Para.)
"Saps at Sea" (U. A.)
OMAHA—(2,000) (25c-40c) 7 days, 2nd week. Gross: \$6,000. (Average, \$6,000)
"Lillian Russell" (20th-Fox)
"On Their Own" (20th-Fox)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: \$8,100. (Average, \$7,200)

A. W. Smith Is Named Sales Chief of RKO

(Continued from page 1)

ager has been unfilled since the resignation of Jules Levey last year.

In addition, Gus Schaefer, Caribbean sales supervisor for RKO for the past year, has been elevated to a home office executive sales post, his duties to be defined later. Schaefer was formerly a sales executive for Paramount in both the domestic and foreign organization of the company and, prior to joining RKO, was foreign sales manager for Universal.

Other changes announced include the appointment of Charles Boasberg, Buffalo branch manager, as Eastern central district manager, succeeding Edward L. McEvoy, whose resignation was announced yesterday. Elmer Lux, Buffalo salesman, was made branch manager. It is understood Herb McIntyre, Northeastern district manager, will be named Southern district manager, succeeding Mochrie, and that additional changes will follow as a result.



R. E. Mochrie

The convention yesterday was highlighted by a luncheon in the Grand Ballroom of the Waldorf at which the sales force of approximately 300 delegates was joined by 900 additional RKO New York employees and guests, who heard an address on morale in the company and industry in the face of its current trials, by George J. Schaefer, RKO president, and a picture-by-picture discussion of the company's new season's product by Depinet.

The New York employees were given a half-holiday following the luncheon. On the dais with Schaefer and Depinet were: Nelson Rockefeller, head of Rockefeller Center; Floyd B. Odum of Atlas Corp., and David Sarnoff and James G. Harbord of RCA, whose organizations comprise the three largest RKO investment holders. Also, Richard C. Patterson, RKO board chairman; Thomas P. Durrell, Fred L. Ehrman, L. Lawrence Green, N. Peter Rathvon, W. G. Van Schmus, L. P. Yandell and John E. Parsons, members of the RKO board of directors. Also, J. J. Nolan, studio head; J. J. O'Connor, theatre head; J. R. McDonough, studio executive; Malcolm Kingsberg, theatre executive; Phil Reisman, foreign department head; M. H. Aylesworth, former president; Gunther Lessing, secretary of Disney Prod.; Lee Tracy, Orson Welles, Jean Hersholt, Anna Neagle, Herbert Wilcox and Edmond O'Brien.

In his address, Schaefer sounded an optimistic note despite world conditions. He pointed out that RKO began preparing for the present times eight months ago when the outbreak of war made it possible to foresee conditions which now exist. At that time, he said, the company stood almost alone in its insistence upon economies, which

Off the Antenna

RADIO'S part in the nation's preparedness program will probably be a large one if present developments are any indication. Interest in aviation is being stimulated in different parts of the country by special programs presented by the U. S. Army. Yesterday, it was reliably learned that 12 outstanding announcers have been requested to make 15-minute transcriptions to interest the youth of the nation in enrollment in the armed forces. The transcriptions will be forwarded to Washington and then sent to the individual stations, if it is deemed advisable to do so.

Requests for stations to make spot announcements to encourage enlistments, which are made from time to time by both the Army and Navy, have been renewed and most stations have scheduled a series of such announcements.

Jean Hersholt yesterday signed a new contract with his sponsors which assures him a minimum of 73 weeks more on the air.

Newspapers and radio perform different functions as news dispensing agencies, Ralph Ingersoll, publisher of *PM*, forthcoming tabloid, declared in an address over CBS last night, and they should supplement, rather than oppose, each other. Consequently, *PM* will publish full schedules of news broadcasts on the front page of his newspaper and advise his readers to keep abreast of last minute news by listening to radio bulletins.

WHOM will hold open house at its studios Saturday evening to celebrate the forthcoming marriage of two of its employees, Ida Mortenghi, a secretary, to Joseph Savalli, an announcer.

Programs: Parks Johnson and Wally Butterworth will start their sixth consecutive year on CBS this Summer as the result of the renewal by Penn Tobacco of "Vox Pop." . . . Rudy Vallee's Sealtest show will remain in New York for 10 broadcasts beginning Thursday, June 6. . . . Mutual will start a series of seven pre-convention broadcasts this Saturday at 10:35 P.M. to cover the political convention. . . . Herman Shumlin will sponsor at 6:30 P.M. newscast over WABC on Saturdays on behalf of "The Male Animal." . . . Mrs. Roosevelt started the guest policy on her programs yesterday with the cooks who baked doughnuts for the King and Queen of England. . . . Don Goddard, WEA commentator, will be fully sponsored on his Monday through Saturday talks at 7:30 A.M. next Wednesday when American Chicle Co. starts sponsorship of his Monday, Wednesday and Friday talks. On other days, he is sponsored by S. B. Thomas.

NBC was scheduled to run a trailer for Paramount's "The Way of All Flesh" next Wednesday but the telecast was cancelled yesterday at Paramount's request. No explanation was given for the cancellation. The deal involved only the telecasting of the trailer, and NBC was to receive nothing in return.

were made, he said, in the "American way."

"We reduced expenses, not employment," he said. "Salaries were cut at the top, not the bottom."

Schaefer pointed out that while foreign markets have been lost they have not been destroyed; nor have they been lost by any failure of the company's efforts. He thanked the organization for its cooperation throughout his campaign of "preparedness" and said that no economy justified a reduction of picture quality.

"That, we have not done and will not do," Schaefer said.

He told the organization he believes that RKO "is building soundly" for the future, and already has achieved cost records "which I know are new in the industry."

Schaefer later told the convention that 23 of RKO's 26 major productions for the new season are now in work.

Reisman discussed the foreign situation at the afternoon session, pointing out that Europe has been almost wholly lost as a film market. He stated, however, that actual business in the United Kingdom had shown a 30 per cent increase since the first of the year; a 35 per cent increase in France, and "steady increases" in Latin America.

He announced the opening of a new RKO office in Puerto Rico with Ned Seckler, formerly home office representative at Havana, as manager.

Harry Michelson, short subjects sales manager, addressed the meeting on his department yesterday. Other speakers included Gunther Lessing and Jean Hersholt.

'Wife' Draws Good \$11,000, Denver's Best

DENVER, May 28. — "My Favorite Wife" and "The Saint Takes Over" at the Orpheum took \$11,000. "Buck Benny Rides Again" drew \$7,000 in its second week at the Denham.

Estimated takings for the week ending May 22:

"Johnny Apollo" (20th-Fox)
"Free, Blonde and 21" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days.
Gross: \$3,500. (Average, \$3,500)
"Irene" (RKO)
"Beyond Tomorrow" (RKO)
BROADWAY—(1,040) (25c-35c-40c) 7 days.
2nd week. Gross: \$2,000. (Average, \$2,500)
"Buck Benny Rides Again" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days.
2nd week. Gross: \$7,000. (Average, \$6,000)
"If I Had My Way" (Univ.)
"Alias the Deacon" (Univ.)
DENVER—(2,525) (25c-35c-40c) 7 days.
Gross: \$9,000. (Average, \$8,000)
"My Favorite Wife" (RKO)
"Saint Takes Over" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days.
Gross: \$11,000. (Average, \$8,000)
"It All Came True" (W. B.)
"King of the Lumberjacks" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days.
Gross: \$4,000. (Average, \$3,500)
"One Million B. C." (U. A.)
"Danger on Wheels" (Univ.)
RIALTO—(878) (25c-40c) 7 days. Gross: \$1,750. (Average, \$1,750)

Bill Would Reduce Product: Freeman

(Continued from page 1)

acter of a certain type in "Waterloo Bridge."

Rebutting Sidney Samuelson's claim to represent New Jersey exhibitors, William B. Stein, Hackettstown, N. J., operator of four houses, declared the theatre owners of the state are not in favor of the bill. "The way out for the average exhibitor 'who doesn't look to have it all his own way' is through a minimum 20 per cent cancellation," he testified. If the bill becomes law, he predicted, "enough pictures could not or would not be made to enable us to conduct our business as we do now."

Alice Keliher of the Progressive Education Association testified that educators are greatly concerned over censorship and believe the problems of the industry can be solved without legislation which "to us dangerously means censorship." However, she said, if any controls are imposed on films, the same strictures should be applied to the stage and other entertainment.

Barnett Firm Plans 16mm. Shorts Series

Kodachrome Screen Classics has been formed by Stan Barnett for the production of 16 mm. films for exhibition in newsreel and specially equipped theatres.

Refiling 'Name' Suit

LOS ANGELES, May 28.—Superior Judge Emmett Wilson has sustained a demurrer in Roy Rodgers' \$150,000 damage suit against Republic for alleged use of his name in films. However, Rodgers was given 20 days to amend his complaint and refile the suit.

Circuits and AGVA Fight to Arbitration

Mediation of the two points of disagreement between major circuits and the American Guild of Variety Artists has failed to produce any agreement and the issues probably will be submitted for arbitration within the next day or so, Ben Golden, mediator, declared yesterday. Golden probably will be named arbitrator, it was said.

The two points in dispute are the five per cent booking fee charged by circuit booking offices and the maximum number of shows to be played each week by those employed at minimum salaries. The union seeks a maximum of 30 shows while the circuits insist on 36.

Suspends Game Fine

WILMINGTON, Del., May 28.—Herman J. Silver, manager of the Earle at New Castle, Del., received a suspended sentence here from a \$50 fine in the Court of Common Pleas on a charge involving the conducting of Bank Night.

The convention delegates were guests of March of Time at a cocktail party at the Ambassador Hotel following the afternoon meeting. The sessions will end today with district managers' meetings at which A. W. Smith and Cresson Smith will preside. RKO Pathe News will be host to the men at a cocktail party this evening preceding a final banquet in the Rainbow Room.

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and
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to the Motion
Picture
Industry

MOTION PICTURE DAILY

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VOL. 7, NO. 107

NEW YORK, U.S.A., FRIDAY, MAY 31, 1940

TEN CENTS

Kuykendall Scores Aims Of Neely Bill

*It Offers No Remedy,
He Tells Committee*

By BERTRAM F. LINZ

WASHINGTON, May 30.—Opponents of the Neely block booking bill yesterday launched a bitter attack against the measure and its supporters as informal opinion in the capital indicated that if the measure comes up for vote before adjournment the House Interstate and Foreign Commerce Committee will give it a favorable report by a majority which may reach as high as six.



Ed Kuykendall

In a 12,000-word statement, read without interruption by committee members, Ed Kuykendall, M.P. T.O.A. president, assailed the bill, the

(Continued on page 4)

Niagara to Confer Degree on Quigley

NIAGARA FALLS, N. Y., May 30.—The president and trustees of Niagara University have announced that an honorary degree of doctor of laws will be conferred on Martin Quigley at the commencement day exercises on June 10. The commencement address to the graduates will be delivered by Mr. Quigley.

Honorary degrees of doctor of laws also will be awarded to John S. McCarrens, vice president and general manager of *The Cleveland Plain Dealer* and president of the American Newspaper Publishers Association, and Bernard E. Finucane, civic and business leader of Rochester, N. Y.

U. S. Cancels Further Trust Examinations

The Government has called off all further pre-trial examinations of major company officials in connection with its anti-trust suit, it is learned. Among those originally slated to be examined this week were Harry M. Warner, president of Warners, and Jack L. Warner, vice-president in charge of production. In the event of a lull in the trial of the suit, the Government may renew its examinations of officials not yet questioned.

U.S. Enlists Aid Of Industry for National Defense

The film industry's participation in the national defense program will be considered in New York next week at a meeting to be attended by company heads and Army representatives, following the arrival from the Coast of S. R. Kent, president of 20th Century-Fox, who was at a preliminary meeting with Signal Corps officers in Hollywood this week. Kent is due Monday or Tuesday.

In Washington, War Department officials said the problem now is merely one of lining up the industry to turn out the equipment which the Army and Navy will buy and the training of Signal Corps officers to use the equipment. For the present, there is no thought of any appeal for cooperation to the public.

Washington spokesmen said that

(Continued on page 4)

'U' Again to Sell Away from Saenger

Universal will sell away from E. V. Richards' Saenger Circuit again this year, William A. Scully, vice-president and general sales manager, said yesterday following the collapse of negotiations instituted with Gaston Dureaux of Saenger in New Orleans last week on Universal's new season product.

Universal first rejected terms offered by the Saenger circuit of approximately 80 theatres last year

Republic Acquires Gluckman Franchise

Republic has purchased the franchise of Herman Gluckman for the New York and Philadelphia exchanges and will take over operations immediately. Gluckman, who held the franchise since the company's inception five years ago, will continue supervision of both offices, the company said.

'Heaven' to Start W.B.'s New Policy

A new policy involving showings for all of Warner's top product prior to dating of such pictures by exhibitors will be inaugurated by the company immediately, Gradwell L. Sears, vice-president in charge of distribution, said on Wednesday. This policy is predicated on the company's belief that current market conditions can be equalized only through cooperation of the exhibitor with the producer-distributor on such product.

Variations in admission scales and extended playing time are contemplated under this new policy, but it does not involve higher percentages. Whether the picture merits higher admission scales will be left to the exhibitors' judgment.

Sears has sent personal letters to exhibitors throughout the country asking their consideration in inaugurating this policy with "All This and Heaven"

(Continued on page 5)

Admission Tax Exemption At 30 Cents Asked

*Circuit Heads Foresee No
Drastic Effects*

WASHINGTON, May 30.—Reduction of the present 40-cent exemption from admission tax to 30 cents is expected to be incorporated in a defense tax bill to be submitted to the House for consideration by the Ways and Means Committee.

Meeting today to consider the many suggestions for raising new money, including that of the President for an overall tax of 10 per cent on current taxes, the Committee is said to have decided that, with respect to the admission tax, the additional levy would be awkward and expensive of collection and would return less revenue than would a reduction in the exemption.

Present plans are for the committee to hear Secretary of the Treasury Morgenthau on the subject of taxation on Friday and to make a report to the House early next week so that there may be no delay in passing the legislation, on which the adjournment of Congress at an early date now depends.

Home office circuit executives concur in the belief that lowering the admission tax exemption to 30 cents

(Continued on page 5)

Broadcasters Behind Probe Of Ascap, Counsel Charges

Louis Frohlich, attorney for Ascap, at a hearing held Wednesday on an application to quash a Federal grand jury subpoena served on Ascap, charged the National Association of Broadcasters with having inspired the Government move to investigate Ascap records.

Federal Judge Henry W. Goddard, presiding at the hearing, was also told by Frohlich that the Department of Justice was "using a threatened criminal action" for alleged violation of the anti-trust laws to compel the signing of a consent decree by Ascap in the Government's civil suit which was dropped five years ago.

Judge Goddard, after eliminating certain records requested by the Government, ordered Ascap to produce the balance for Government inspection within 30 days. The decision specifically provided that the records be kept confidential by the Government.

Although no grand jury was presently considering charges against Ascap, the records will be presented to the grand jury in the near future, Special Assistant Attorney General Victor Waterson said.

Waterson denied the charge that the Government was concerned solely with the radio phase of Ascap activities and claimed that interstate commerce of motion pictures, sheet music and electrical transcriptions was also affected.

Frohlich claimed that Andrew W. Bennett, attorney for the N.A.B., had used confidential disclosures of Ascap to the Government for private suits instituted by the N.A.B. Bennett had obtained this information while in charge of the Government's

(Continued on page 5)

Critics Shown as 'Missing the Bus'

Metropolitan newspaper critics are "very wrong" in 69 per cent of their opinions as compared with box-office results, according to a survey by *Motion Picture Herald*. The critics are right 16 per cent of the time, and only "approximately right" in the remaining 15 per cent, the survey reveals.

Critics tend to overrate a picture rather than undervalue it, the survey concludes. Using a basis of 100 for critical approval and the same figure for a box-office success, the survey shows that the average critical rating was 72 per cent while the box-office evaluation was only 51 per cent. Reviews from seven New York morning and afternoon dailies on 61 pictures were used.

The survey points out that four of the films which were given 100 per cent ratings by the critics were among the 12 lowest at the box-office. Only

(Continued on page 4)

Belgian Offices Silent

Belgian and Holland representatives of major distribution companies have not been heard from for more than two weeks, home office foreign departments reported on Wednesday. Communications from Brussels to Paris were open for a time following the German invasion but have since been closed and neither direct nor indirect word of representatives within the occupied area has been received by home offices since.

'U' Holds Party for Levey and Sutherland

Universal home office executives were hosts at the Tavern on Wednesday, to Jules Levey, producer, and Eddie Sutherland, director of "The Boys from Syracuse," Levey's first production, which will be distributed by Universal.

At the luncheon were: William A. Scully, Matthew J. Fox, F. J. A. McCarthy, William Heineman, John J. O'Connor, Fred Meyers, Arthur Ungar, Terry Ramsaye, Chester Bahn, Pete Harrison, Lou Pollock, Hank Linet, Lou Mentlick, Al Steen, William Ornstein, James Jordan, Roy Chartier, Max Fellerman, James Brennan, I. Rappaport, Lou Carteret and Sherwin Kane.

Levey and Sutherland left for the Coast by train on Wednesday. Levey plans to return to New York in about two weeks.

Friends Send Mark Posies for 'Orchid'

Occasioned by the opening next week at the Strand of Warners' "Brother Orchid," Mark Hellinger, associate producer of the film, was honored, despite his absence, at a party on Wednesday at Toots Shor's, on West 51st St. A long distance phone call to Hellinger, who is on the Coast, featured the function.

Among those attending were Gradwell Sears, Carl Leserman, Ed Schmitzer, S. Charles Einfeld, Mort Blumenstock, Sid Rechelnik, Sam Shain, Abel Green, Ben Washer, James P. Cunningham, Mitchell Rawson, Harry Oshrin and Jake Wilk.

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RESTAURANTS

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(Next to the Rivoli Theatre)

(51st Street Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York

for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

Personal Mention

NEIL F. AGNEW, Paramount vice-president and distribution head, and JOHN W. HICKS, vice-president and foreign department head, will arrive from the Coast by train on Monday. GEORGE WELTNER, assistant to Hicks, will arrive from the Coast this morning.

JACK KIRSCH, president of Illinois Allied, left yesterday after conferring here on arrangements for the national Allied convention in Chicago in June.

ORSON WELLES flew to the Coast from the RKO convention Tuesday night. His general representative, HERBERT DRAKE, left by air last night.

MR. and MRS. LEO SPITZ, MR. and MRS. SHOLEM ASCH, MR. and MRS. DAMON RUNYON, MR. and MRS. EDWIN L. WEISL, SAM SHAIN, ALFRED LUNT, NATE SPINGOLD, MORT SPRING, HAL HORNE and AL YOUNG getting ready for the holiday at Lindy's (51st St.)

ARTHUR SAWYER left yesterday for Miami to complete arrangements for the first production scheduled at the Colonnade Studios there.

R. N. SMITH, manager of the Concord and Mission, Mission, Tex., has been elected president of the Chamber of Commerce in that city.

IRVING SHAPIRO, SOL EDWARDS, RUBE JACKTER, SOL EDWARDS and ABE MONTAGUE at Lindy's (next to the Rivoli).

ARTHUR UNGAR has left for the Coast.

JOSEPH R. VOGEL, Loew's theatres executive, is due back Monday from a visit to theatres in Louisville, Atlanta, Nashville, Memphis, Houston and New Orleans.

MATTHEW J. FOX, Universal vice-president, is scheduled to return from the Coast toward the end of next week for an extended stay at the home office.

HARRY KOSINER, Eastern representative for Walter Wanger, has returned from a two-week visit to the Coast.

SOL LESSER and MRS. LESSER left for the Coast by train yesterday.

OLIVER A. UNGER, vice-president and general sales manager of Hoffberg Productions, is on a two-week sales trip in upstate New York.

LLOYD COHEN, son of HERMAN COHEN, owner of the United Artists theatre, San Francisco, is in New York for a visit.

SOL LESSER, CHARLES E. MCCARTHY, WILLIAM F. RODGERS, MR. and MRS. JAMES J. WALKER, HAROLD FRANKLIN, SOL BORNSTEIN, TED O'SHEA, TOM CONNORS and SIDNEY PHILLIPS at Nick's Hunting Room in the Astor for lunch.

ADOLPH ZUKOR, BARNEY BALABAN, AUSTIN KEOUGH, STANTON GRIFFIS, JOSEPH LEE, HARRY BUXBAUM, WILLIAM SUSSMAN, MOSS HART and MORRIS GEST lunching at Sardi's.

Phila. Musicians Urge Direct Action

PHILADELPHIA, May 30.—Failing to make peace in the six-month-old music strike against Warner theatres here, the executive board of musicians' union, Local 77, will hold a meeting within the next few days to draft a resolution for the American Federation of Musicians to legislate the theatre music situation. A. Rex Riccardi, union secretary, will introduce the proposed resolution at the AFM annual convention, starting June 10 in Indianapolis.

It is expected that the resolution will urge the Federation to take over jurisdiction of all theatres, with the result that all labor negotiations with distributor-owned or operated theatres would be entered into by the national officers directly with the parent company, instead of with theatre operators.

RKO Delegates Leaving for Posts

Delegates to the RKO annual sales convention will leave for their home cities today following a holiday in New York yesterday. The convention ended Wednesday after district managers' meetings at the Waldorf-Astoria and a banquet in the Rainbow Room. RKO Pathe News was host to the delegates at a cocktail party preceding the banquet.

A. W. Smith, newly appointed general sales manager, has received numerous congratulations.

Col's New Mystery

Invitations to attend Columbia's first "Package convention" have been sent to sales representatives by the home office in gift boxes containing an engraved invitation card packed in cotton wool.

Explanation of the convention designation and the invitation form will be forthcoming at the opening of Columbia's sales convention, at the Blackstone Hotel in Chicago, next Tuesday, according to Abe Montague, sales manager.

English Patrons

May Pay New Tax

LONDON, May 30.—The new purchase tax on theatre admissions in the United Kingdom is expected to be drafted and ratified next week in a form which will provide for direct payment of the levy by the public, rather than by either the exhibitor or the distributor.

Current suggestions to the Chancellor of the Exchequer provide for collections in the form of a Government stamp affixed to all admission tickets, the tax to be based upon a pre-determined percentage of the cost of each ticket. Besides conforming with the Government's plan of levying the new taxes directly on the public, the proposal also would remove from the public mind any possible impression that the industry was benefiting by the increased admissions which would result from collecting the tax from either distributor or exhibitor and passing the additional cost along to the public, it was pointed out. The proposal would also eliminate the necessity of setting up collection machinery.

However, no final trade policy has yet been formulated, although the C.E.A. committee on the tax met yesterday and conferred later with the K.R.S. The ticket plan, nevertheless, is expected to be accepted by all sections of the trade within the next few days.

RKO Retains Aylesworth

M. H. Aylesworth, former president and board chairman of RKO, has been retained by the company as special counsel.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Sol Lesser's Smash Hit Is **THE SPOTLIGHT PICTURE** at Boston World Premiere

RECORD BUSINESS AT LOEW'S STATE AND ORPHEUM for the year's most anticipated—and most exploitable—picture.

19,000 PEOPLE SAW IT OPENING DAY as Mayor Maurice J. Tobin proclaims "Our Town" Week and New England Governors join Hollywood stars as honor guests at premiere.

FIRST FOUR DAYS put it side by side with top grossers of the year at the State and Orpheum as thousands respond to exploitation and advertising covering 200 mile area.

CONTEST IN 31 SURROUNDING COMMUNITIES bring typical "Georges and Emilys" to Boston for final judging...cracking tremendous newspaper space.

WORD-OF-MOUTH PRAISE, CRITICS' RAVES roll up business. "Memorable milestone!"—BOSTON POST. "Superb"—TRANSCRIPT. "Enormously affecting!"—TRAVELER. "Paying public will find it excellent entertainment!"—HERALD. "Will outlive most of the season's best-sellers."—AMERICAN.

OUR TOWN

from the Pulitzer Prize Play by Thornton Wilder

starring

**WILLIAM HOLDEN • MARTHA SCOTT
FAY Bainter • BEULAH BONDI • THOMAS MITCHELL
GUY KIBBEE • STUART ERWIN • FRANK CRAVEN**

Directed by SAM WOOD

OPENING SOON at Loew's State, Providence; Poli, Springfield; Poli, Worcester; Poli, Bridgeport; Capitol, Lawrence, Mass.; Empire, Portland, Me.; Opera House, Bangor, Me.

RELEASED THRU UNITED ARTISTS



Kuykendall Scores Aims Of Neely Bill

(Continued from page 1)

public groups and Allied, contending that while there are undoubtedly abuses in the industry, the bill offers no machinery for their correction.

On the contrary, he said, the bill "is an amazing example of misleading, deceptive and confused legislation, prepared and sponsored by people who are in most instances inexperienced in our business."

Making a painstaking analysis of the bill, the M.P.T.O.A. head contended that higher prices would follow its enactment, distributors would be afraid to offer blocks and many small theatres would be wiped out.

Kuykendall Urges Cancellations

Kuykendall called for the adoption of a generous cancellation privilege, which he said would meet the situation adequately, and urged the committee not to act now on legislation which will only add to the woes of an industry already struggling under a burden of lawsuits, Government and private, with the courts due to take up the block booking issue for judicial determination within a week.

Faced with a list of witnesses which would prolong the hearings for an indefinite period, Chairman Clarence F. Lea intimated that if the parade of opposition continues it may be necessary to limit each witness to a few minutes. The committee now has sat for nearly 39 hours and members are beginning to show signs of strain.

Full revision of the two principal sections of the bill was suggested by Thomas McGuire of Detroit, public relations director of the Co-Operative Theatres of Michigan, who told the committee that as now written the bill would create confusion in the industry for three or four years while the courts were seeking to pass on the many issues which would be raised.

Advices 'Fair Arbitration'

As a substitute for the present measure, he suggested that Section 3 of the Neely bill be replaced by a requirement for fair arbitration of all industry disputes and that the present Section 4 be thrown into the discard, with the substitution of a provision for a mandatory 20 to 25 per cent cancellation in all block contracts, prohibitions against the forcing of shorts, newsreels, trailers and reissues, forced selected playing time on percentage pictures or the imposition of score charges and provision for the identification of pictures, not by the synopsis method but by a disclosure of the stars, feature players and authors or books used.

Leading a parade of independents opposed to the bill, William G. Ripley of Long View, Wash., explained that his objections to the bill were not based on the lack of abuses in the industry but on its inability to cure them.

Rotus Harvey of San Francisco asserted that "94 per cent of the industry takes orders from and are dictated to by the other six per cent" and that the small exhibitor ought to have a 30 per cent cancellation.

Mrs. William Wood, Washington, Ga., operator of "two theatres and three white elephants," said the bill would lead only to confusion.

Bob White, Portland, Ore., operator, opposed the bill.

Hollywood Review

"Four Sons"

(20th Century-Fox)

HOLLYWOOD, May 30.—This is a story of the German acquisition of Czecho-Slovakia told from the Czech point of view and in terms of what happens to the four sons of a Czecho-Slovakian mother whose husband met death in German uniform in World War I. In it are shown the activities of what are referred to in dialogue as "German social clubs" and have come to be known nowadays as Fifth Column and Trojan Horse groups. In a series of events beginning some while before the first German-Czech crisis and ending shortly after the surrender of Poland. These events bring death to three of the four sons, one in Nazi uniform at the hands of another, that one in mufti at the hands of Nazi troopers and the third in German military service in the conquest of Poland.

There is no disguising of names of nations or individuals, although Hitler is the only non-fictional character referred to. German origin of the Czecho-Slovakian family principally concerned in the story is established by dialogue reference and incident. America is alluded to favorably in dialogue centering around the coming of the fourth son to New York, where he is briefly shown, and his efforts, ultimately successful, to bring his mother to this country.

Produced by Harry Joe Brown and directed by Archie Mayo with severely dramatic purpose, the screen play by John Howard Lawson, based on a story by I. A. R. Wylie, follows in outline the "Four Sons" produced by the same company in 1928. That one, however, concerned a Bavarian mother and World War I. This one has been remodeled to fit its new scene and date. Don Ameche, Alan Curtis, Eugenie Leontovich, Mary Beth Hughes, George Ernest, Robert Lowery, Lionel Royce, Sig Ruman and Christian Rub head the large cast.

Opening about a year before the first tension in Czecho-Slovakia, the picture shows a happy family resident near the Czecho-German border, one of the two elder sons active in undercover work of the "German Social club" to which he belongs, the other counselling him against it.

When the Czech army is mobilized, this son deserts and joins the German army, returning in charge of Nazi troops and notifying the loyal brother that he has taken his name from the list of persons to be rounded up. The loyal brother is wounded by Nazi troopers in trying to notify other loyal Czechs of their danger and shoots the Nazi brother, unknowingly, in trying to escape. The Nazi brother dies and his Nazi companions kill the loyal brother in the street as Hitler is making his triumphal entry into the country. The mother is notified that her third son has been killed in the German attack on Warsaw and is given the German Iron Cross bestowed upon him by Hitler. She goes, with her daughter-in-law and her baby, to join the fourth son in America.

Running time, 89 minutes. "G."

ROSCOE WILLIAMS.

Critics Shown as 'Missing the Bus'

(Continued from page 1)

two, "Goodbye, Mr. Chips" and "Mr. Smith Goes to Washington," received 100 per cent acclaim from both critics and the public.

Of the 12 highest gross-producing pictures, the critics "called the turn" on six, "missed the bus" on four, and came "reasonably close" on two. The survey remarks that in the case of foreign films, critical acclaim means financial success. Because of special circumstances of exploitation and selling methods, "Gone With the Wind," which scored both with the critics and at the box-office, was not included in the study.

To Raze Landmark

VANCOUVER, B. C., May 30.—The last stand of stock companies and legitimate performances here is doomed. The Empress, one of the oldest theatre properties in the city, has been sold to a food market chain and will be razed later in the year.

Drops Foreign Policy

SAN FRANCISCO, May 30.—The Larkin, one of two foreign language houses operated by Herbert Rosener, has reverted to American films.

'Russell' Garners \$13,000, Pittsburgh

PITTSBURGH, May 30.—"Waterloo Bridge" drew \$15,000 at Loew's Penn, and "Lillian Russell" took \$13,000 at the Harris Alvin.

Estimated takings for the week ending May 23:

"Lillian Russell" (20th-Fox)
ALVIN—(1,800) (25c-35c-50c) 7 days. Gross: \$13,000. (Average, \$7,000)
"A Bill of Divorcement" (RKO)
FULTON—(1,700) (25c-40c) 7 days. Gross: \$2,100. (Average, \$4,000)
"Waterloo Bridge" (M-G-M)
LOEW'S PENN—(3,400) (25c-35c-50c) 7 days. Gross: \$15,000. (Average, \$13,000)
"Tear Gas Squad" (W. B.)
"And One Was Beautiful" (M-G-M)
RITZ—(800) (25c-40c) 7 days. Gross: \$1,600. (Average, \$4,000)
"Dark Command" (Rep.)
SENATOR—(1,700) (85c-35c-50c) 7 days, 2nd week. Gross: \$1,800. (Average, \$3,000)
"Saturday's Children" (W. B.)
STANLEY—(3,700) (25c-40c-60c). On stage: Glen Gray and Casa Loma Orchestra, Fred Sanborn, Cass Daley. Gross: \$16,500. (Average, \$17,000)
"Florian" (M-G-M)
"Saps at Sea" (U.A.)
WARNER—(2,000) (25c-40c) 7 days. Gross: \$3,000. (Average, \$4,000)

Release Mexican Film

World Pictures Corp. will release the film produced by Marie Seton from the uncompleted Mexican film directed by S. M. Eisenstein. "Time in the Sun" is the present title.

U.S. Enlists Aid Of Industry for National Defense

(Continued from page 1)

film executives will be called to the capital to discuss methods by which the industry can cooperate if it becomes necessary to carry the matter to the public.

In addition, radio and motion picture television may come into use when the defense program reaches emergency stages, it was said. Meanwhile, broadcasting stations are expected to continue for some time the stream of addresses on defense by leading political and industrial figures.

The film industry's aid in the defense program was enlisted in Hollywood this week at a meeting of Army officers with studio executives, the first of such sessions scheduled to be held.

The Army representatives, Major Richard Schlosberg of the Signal Corps and Major Mason Wright, Jr., of the Adjutant General's department, have been the guests of James Roosevelt in Hollywood for some time.

Their meeting with studio officials on the Paramount lot was a closed session. Details were not divulged.

In attendance were: Walter Wanger, Sidney R. Kent, Frank Capra, Harry M. Warner and Nathan Levinson of Warners, Fred Beetsen, executive vice-president of the Association of M. P. Producers; Cliff Work, Universal; Henry Ginsberg, Paramount; B. B. Kahane, Columbia; John Aalberg, RKO; T. Keith Glennan, Paramount; E. H. Goldstein, Republic, and Gordon Mitchell, director of the Academy Research Council.

The Research Council for the past six years has been conducting a course of training in film production for Army Signal Corps officers. Each year one Signal Corps officer comes to Hollywood for training.

'Dr. Kildare' Draws \$6,000 in Buffalo

BUFFALO, May 30.—"Dr. Kildare's Strange Case" and "Forty Little Mothers" proved a big draw at the Hippodrome with \$6,000. "Typhoon" and "The Biscuit Eater" recorded \$7,500 at the Great Lakes, while "Dark Command" and "Curtain Call" did \$7,500 at the Twentieth Century. "The Invisible Man Returns," part of a double bill at the Lafayette, brought a good \$6,300.

Estimated takings for the week ending May 25:

"Waterloo Bridge" (M-G-M)
"The March of Time" (RKO)
BUFFALO—(3,489) (30c-35c-55c) 7 days. D'Artega & orchestral ensemble in Classics Then & Now, The Six Sophisticates of Song. Gross: \$11,600. (Average, \$12,000)
"Typhoon" (Para.)
"The Biscuit Eater" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$7,500. (Average, \$7,500)
"Dr. Kildare's Strange Case" (M-G-M)
"Forty Little Mothers" (M-G-M)
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$6,000. (Average, \$6,800)
"Dark Command" (Rep.)
"Curtain Call" (RKO)
TWENTIETH CENTURY—(3,000) (25c-35c) 7 days. Gross: \$7,500. (Average, \$7,500)
"The Invisible Man Returns" (Univ.)
"The Big Guy" (Univ.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$6,300. (Average, \$6,300)

Demolish Park Here

The Park, former Brandt theatre at Columbus Circle, now dark, will be demolished.

Frisco Gives Good \$19,500 To 'Waterloo'

SAN FRANCISCO, May 30.—"Waterloo Bridge" and "On Their Own" drew an excellent \$19,500 at the Fox. "Typhoon" and "Gangs of Chicago" took \$4,000 at the Warfield.

Estimated takings for the week ending May 21-24:

"Irene" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Stage: Vaudeville. Gross: \$12,000. (Average, \$15,000)
"If I Had My Man" (Univ.)
"Honeymoon Deferred" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$7,500. (Average, \$8,000)
"Waterloo Bridge" (M-G-M)
"On Their Own" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$19,500. (Average, \$16,000)
"20 Mule Team" (M-G-M)
"Double Alibi" (Univ.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$10,500. (Average, \$11,500)
"Rebecca" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 9th week. Gross: \$6,500. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
"Tear Gas Squad" (W. B.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: \$6,200. (Average, \$6,000)
"Typhoon" (Para.)
"Gangs of Chicago" (Rep.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$13,500. (Average, \$12,000)
"Louise" (Mayer-Burstyn)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$1,200. (Average, \$1,000)

'Bay' Scores \$18,000 As Hub Grosses Slip

BOSTON, May 30.—Theatres were held down to average figures with the exception of Loew's Orpheum and Keith Memorial. The Orpheum, with "The House Across the Bay" and "Over the Moon" drew \$18,000, while "The Primrose Path" and "Alias the Deacon" at the Memorial took in \$17,500.

Estimates of the week ending May 22:

"Grandpa Town" (Rep.)
"Tomboy" (Mono.) (3 days with vaudeville)
"Lost Horizon" (Col.)
"The Awful Truth" (Col.) (4 days)
KEITH BOSTON—(3,200) (25c-35c-40c). Gross: \$7,500. (Average, \$8,000)
"Primrose Path" (RKO)
"Alias the Deacon" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: \$17,500. (Average, \$16,000)
"Typhoon" (Para.)
"Opened By Mistake" (Para.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$12,500. (Average, \$15,500)
"Buck Benny Rides Again" (Para.)
"Charlie Chan's Murder Cruise" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$7,500. (Average, \$7,500)
"Buck Benny Rides Again" (Para.)
"Charlie Chan's Murder Cruise" (20th-Fox)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,500)
"My Son, My Son" (U. A.)
"Light of the Western Stars" (Para.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$4,000. (Average, \$4,000)
"The House Across the Bay" (U. A.)
"Over the Moon" (U. A.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$12,000. (Average, \$12,000)
"The House Across the Bay" (U. A.)
"Over the Moon" (U. A.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$18,000. (Average, \$17,500)

Playing Polish Films

UTICA, N. Y., May 30.—The Carole, which was scheduled to close early this month, has been playing Polish films to good attendance.

Broadcasters Behind Probe Of Ascap, Counsel Charges

(Continued from page 1)

anti-trust suit against Ascap in 1935 and had allegedly taken advantage of these disclosures after he had joined the staff of the N.A.B., Frohlich asserted.

Waterson, in response to a question of Judge Goddard, declared that the Government had no knowledge of the charges against Bennett and could not be bound by any claimed actions of Bennett after he had severed his connections with the Government.

The court directed Ascap to furnish the Government with financial reports, titles of musical compositions, names of radio licensees, minutes of board meetings, copies of radio contracts, by-laws and a list of the earnings of each member.

Briefs Term Florida Legislation Invalid

GAINESVILLE, Fla., May 30.—The Florida anti-Ascap law is invalid for the same reasons that Nebraska's anti-Ascap law was found to be unconstitutional by a Federal statutory court last December, it is contended in final

briefs filed in Federal court here yesterday by Ascap.

The briefs, submitted by Schwartz & Frohlich, Ascap's New York counsel, point out that the two state measures are "substantially identical" in language, and charge that the real aim of the statutes is not to serve the public interest but "to give immunity to certain Florida music users against suits for infringements."

The briefs set forth seven basic reasons why the state law allegedly is invalid. They are: the similarity to the invalid Nebraska law; it deprives music composers, publishers and authors of Constitutional rights; it denies the equal protection of the laws to Ascap members; it impairs obligations under existing contracts; it interferes with interstate commerce and compels price fixing, and it violates the Florida constitution.

A hearing on Ascap's action to have the state law declared unconstitutional was held here before a Federal statutory court last month. With the filing of the briefs, the court will take the case under advisement and hand down its decision later.

30-Cent Exemption On Tickets Asked

(Continued from page 1)

would not likely result in any mass movement either to increase admissions now held at 40 cents by the existing tax ceiling, or to lower them to 30 cents to avoid the new tax. Local conditions, most widely experienced circuit executive said, will determine the admission price policy.

These executives foresee three possible moves on admission price policy open to theatres under the proposed tax measure, all of which, they said, would ultimately be decided by prevailing economic conditions in individual regions or communities. One move for theatres now charging 40 cents would be an increase to 50 cents for a 45-cent net to the theatre, if local economic conditions are above average; where conditions are average, admission scales probably would remain at 40 cents with the four-cent tax added, and where conditions are poorer than average, a reduction to 35 cents plus tax, or a reduction to 30 cents to avoid the tax might have to be made, it was said.

'My Son' Grosses \$5,000 in Montreal

MONTREAL, May 30.—"My Son, My Son" at the Orpheum took \$5,000. "Typhoon" registered \$6,500 at Loew's.

Estimated takings for the week ending May 24:

"The Doctor Takes a Wife" (Col.)
"Five Little Peppers at Home" (Col.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,000. (Average, \$8,000)
"Typhoon" (Para.)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: \$6,500. (Average, \$8,000)
"My Son, My Son" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Abe Lincoln in Illinois" (RKO)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$6,500. (Average, \$10,000)
"Florian" (M-G-M)
"And One Was Beautiful" (M-G-M)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$2,500. (Average, \$5,000)

'Turnabout' Gets \$11,800 in Phila.

PHILADELPHIA, May 30.—The circus, several carnivals and rainy weather held grosses down. "Turnabout" brought the Aldine \$11,800 and "Edison the Man" took \$15,400 at the Stanley.

Estimated takings for the week ending May 22-24:

"Turnabout" (U. A.)
ALDINE—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$11,800. (Average, \$8,000)
"Primrose Path" (RKO)
"Johnny Apollo" (20th-Fox)
ARCADIA—(600) (32c-42c-57c), 3rd run, 2nd week, 3 days, \$1,250; 2nd run, 4 days, \$1,400; 7 day average. Gross: \$2,650. (Average, \$2,600)
"Too Many Husbands" (Col.)
BOYD—(2,400) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$8,000. (Average, \$13,000)
"Viva Cisco Kid" (20th-Fox)
CARMAN—(2,500) (26c-32c-42c) 7 days. Vaudeville including Gloria King, Four Co-Eds, Pink Lee and Melissa Mason, George Beatty, and the Great Faludys. Gross: \$5,500. (Average, \$5,200)
"Forty Little Mothers" (M-G-M)
EARLE—(4,000) (32c-42c-57c-68c) 7 days. Gross: \$8,100. (Average, \$14,000)
"Dr. Cyclops" (Para.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$8,900. (Average, \$13,000)
"The Doctor Takes a Wife" (Col.)
KARLTON—(1,000) (32c-42c-57c-68c) 2nd run, 7 days. Gross: \$3,700. (Average, \$3,000)
"Buck Benny Rides Again" (Para.)
KEITH'S—(2,400) (32c-57c-68c) 7 days, 2nd run. Gross: \$3,300. (Average, \$4,500)
"Edison the Man" (M-G-M)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days. Gross: \$15,400. (Average, \$14,000)
"Flight Angels" (W. B.)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$3,900. (Average, \$4,500)

Conn. Golf Aug. 6

NEW HAVEN, May 30.—The M.P. T.O. of Connecticut will hold its annual golf tournament Aug. 6 at the Racebrook Country Club. In charge of arrangements are Herman Levy, Harry Shaw and George Wilkinson.

On Operator Board

ROCHESTER, May 30.—Lester Pollock, Fred Boekhaut, Merritt M. Mitchell and William Tishkoff have been reappointed to the Motion Picture Operators' Examining Board.

'Favorite' Is Leading Film In Twin Cities

MINNEAPOLIS, May 30.—Box-offices in the Twin Cities were off. Best grosser in both towns was "My Favorite Wife," which got \$9,500 at the State in Minneapolis and \$5,900 at the Paramount in St. Paul.

Estimated grosses for the week ending May 22:

Minneapolis:

"French Without Tears" (Para.)
"Man With Nine Lives" (Col.)
ASTER—(900) (15c-25c) 7 days. Gross: \$2,000. (Average, \$1,800)
"Buck Benny Rides Again" (Para.)
CENTURY—(1,600) (25c-40c) 7 days after week at State. Gross: \$3,500. (Average, \$4,000)
"Saps at Sea" (U. A.)
ESQUIRE—(200) (25c) 7 days. Gross: \$1,200. (Average, \$1,000)
"The Blue Bird" (20th-Fox)
GOPHER—(990) (25c) 7 days. Gross: \$2,500. (Average, \$2,500)
"Typhoon" (Para.)
ORPHEUM—(2,900) (25c-40c) 6 days. Gross: \$3,200. (Average, \$5,500)
"My Favorite Wife" (RKO)
STATE—(2,300) (25c-40c) 7 days. Gross: \$9,500. (Average, \$5,500)
"It's a Date" (Univ.)
WORLD—(400) (25c-55c) 7 days, 3rd week. Gross: \$1,400. (Average, \$1,600)

St. Paul:

"Typhoon" (Para.)
ORPHEUM—(2,000) (25c-40c) 5 days. Gross: \$2,000. (Average, \$4,000)
"My Favorite Wife" (RKO)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$5,900. (Average, \$5,500)
"Dr. Kildare's Strange Case" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,500. (Average, \$1,800)
"Blondie on a Budget" (Col.)
"Outside the Three-Mile Limit" (Col.)
TOWER—(1,000) (25c) 7 days. Gross: \$2,400. (Average, \$1,800)
"Abe Lincoln in Illinois" (RKO)
WORLD—(400) (25c-55c) 7 days. Gross: \$1,200. (Average, \$1,000)

'Heaven' to Start W.B.'s New Policy

(Continued from page 1)

en, Too." The company is not asking increased terms, but in view of conditions abroad and the cost of the production and its importance, Sears is asking exhibitors to consider raising the admission prices to permit what he calls "a fairer return" on the picture. The picture has already been sold so that the question of terms is not involved.

Warners will give the policy its start in its own theatres in Philadelphia when the picture will play at higher admissions at the Boyd and Earle where the scale will be raised to \$1.10 top, it was said.

As an outgrowth of the new policy, it was stated Warners has abandoned plans for roadshowing the picture. In New York the picture is tentatively set for showing at the Radio City Music Hall.

Record Advertising Budget

HOLLYWOOD, May 30.—Warners will spend \$32,000 in advertising for the world premiere of "All This and Heaven, Too" June 13 at the Carthay circle. This appears to be a local record.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



Book these **PARAMOUNT SHORTS** when you book your features!

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THE FOUL BALL PLAYER

MAY 24
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MAY 31
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MAY 31
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BLUE BARRON AND
HIS ORCHESTRA

100%
BOX OFFICE
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	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
May 3	Man from Tumbleweeds (O) Bill Elliott	20 Mule Team (G-D) W. Beery Leo Carrillo	Land of the Six Gun (O) Jack Randall	Buck Benny Rides Again (C) Jack Benny	Crooked Road (D) Edmund Lowe Irene Hervey	Irene (G-D) Anna Neagle Ray Milland	So This Is London (C) George Sanders	Saps at Sea (G-C) Laurel-Hardy	If I Had My Way (G-M) Bing Crosby	Tear Gas Squad (D) John Payne Dennis Morgan
May 10		Edison, the Man (G-D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (G-C) Charlie Ruggles Janice Logan	Gauchos Serenade (O) Gene Autry Smiley Burnett	Beyond Tomorrow (G-D) Binnie Barnes	I Was An Adventuress (G-D) Zorina-Greene		Ski Patrol (G-D) Luli Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley
May 17	Babies for Sale (D) Glenn Ford R. Hudson	Waterloo Bridge (A-D) Robert Taylor Vivien Leigh		Typhoon (G-D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (A-C) Carole Landis Adolph Menjou	Alias the Deacon (G-C) Bob Burns Mischka Auer	Flight Angels (G-D) V. Bruce R. Bellamy
May 24	Isle of Doomed Men (D) Texas Stagecoach (O)		Kid From Santa Fe (O) Jack Randall	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (A-C) Lucille Ball	Lillian Russell (G-M) Don Ameche Alice Faye	Our Town (A-D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Torrid Zone (A-C) Cagney-O'Brien Ann Sheridan
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Phantom Raiders (D) Walter Pidgeon Florence Rice	Riders from Nowhere (O) Jack Randall	Those Were the Days (G-C) Wm. Holden B. Granville		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Girl in 313 (D) Florence Rice Kent Taylor		La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Lital
June 7	Passport to Alcatraz (D) Jack Holt Noah Beery, Jr.	Susan and God (D) Fredric March Joan Crawford		Hidden Gold (G-O) William Boyd Russell Hayden	Women in War (G-D) Elsie Janis Wendy Barrie	Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (D) Warner Baxter Andra Leeds	No Exit (D) Wallace Ford Kathryn Adams	Sandy Is a Lady (G-C) Baby Sandy Nan Gray	Brother Orchid (D) Ed. G. Robinson Bogart-Sothorn
June 14	Girls of the Road (D) Lola Lane Helen Mack	The Mortal Storm (D) M. Sullivan Jimmy Stewart	On the Spot (D) Frankie Darro Mary Korman	Safari (D) Fairbanks, Jr. M. Carroll	Grand Ole Opry (O) Wagons Westward (O)	Tom Brown's School Days (D) F. Bartholomew Sir C. Hardwicke	Four Sons (D) Don Ameche Alan Curtis		I Can't Give You Anything But Love, Baby (M) B. Crawford	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks
June 21		The Captain Is A Lady (D) Virginia Grey Billie Burke	Wild Horse Range (O)	The Ghost Breakers (C) Bob Hope P. Goddard	Carson City Kid (O) Roy Rodgers	Thousand Dollar Marriage (C) Leon Errol	Charlie Chan's Murder Cruise (D) Sidney Toler			Gambling on the High Sea (D) Wayne Morris
June 28	Blondie Has Servant Trouble Return of Wild Bill (O)	New Moon (M) Nelson Eddy J. MacDonald	Ridin' the Trail (O) Fred Scott Last Alarm (D)	Queen of the Mob (D) Ralph Bellamy Blanche Yurka		Anne of Windy Poplars (D) Anne Shirley James Ellison	Lucky Cisco Kid (O) Cesar Romero Evelyn Venable		All This and Heaven Too (D) Bette Davis Charles Boyer	
July 5	Out West With the Peppers Edith Fellows			Way of All Flesh (G-D) Tanziroff Gladys George		Dr. Christian Meets the Women (D) Jean Hersholt	Sailor's Lady (D) Nancy Kelly Jon Hall		Private Affairs (C) Nancy Kelly Roland Young	
July 12	West of Abilene (O) Chas. Starrett			Stagecoach War (O) Bill Boyd Russell Hayden		Millionaires in Prison (D) Lee Tracy Linda Hayes	Maryland (D) Walter Brennan Fay Bainter		Black Diamonds (D) Richard Arlen Andy Devine	
July 19	Military Academy (D) Tommy Kelly Rabbi Jordan		Kid Reporters (D) Marcia Mae Jones Jackie Marn			Cross Country Romance (C) Gene Raymond	Manhattan Heartbeat (C) Robert Sterling		Arizona Cyclone (O) Johnny M.	

125 Cities Join in NAB Festival Week

WASHINGTON, May 30.—More than 125 cities will line up next week for the Spring Festival of the National Association of Broadcasters with schedules ranging from one program period a day to the joining of all stations in a community for more ambitious programs.

Although the major effort will be during the week beginning Monday, stations throughout the country have been having their festivals since early in May and others will run as late as June 15. Variance of the closing dates for schools accounts for the variance in participation dates. N.A.B. officials declared that they had received a gratifying response.

Exhibitors to Talk Salaries with 306

Discussion of wages and working conditions will be the subject of a conference between the New York I.T.O.A. and the executive board of Local 306. The I.T.O.A. at a meeting Wednesday appointed a committee to request the conference. A contract with the union negotiated several months ago is now in force.

The I.T.O.A. meeting adopted a resolution supporting Samuel Goldwyn's opposition to double bills.

Frances Bregman and J. J. Goldberg were nominated for secretary in the forthcoming annual elections, to fill the vacancy caused by the resignation of Maurice Brown, who has left the organization. All present officers, headed by Harry Brandt, are slated for reelection.

In addition to the present board members, the following were nominated: Irving Renner, Sam Strausberg, Frank Moscato, Sam Bleiweiss and J. J. Goldberg. The elections are scheduled in two weeks.

Robert H. Poole of Los Angeles, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, and James J. Walker, former Mayor, addressed the meeting, at which Brandt presided.

'Wife' Gets \$5,800 in Kansas City Lull

KANSAS CITY, May 30.—Despite mild weather and little outside competition, grosses were off. "My Favorite Wife" with "British Intelligence" did \$5,800.

Estimated takings for the week ending May 21-23:

"Black Friday" (Univ.)
"House of Seven Gables" (Univ.)
ESQUIRE—(800) (25c-40c) 7 days. Gross: \$1,600. (Average, \$2,500)
"20 Mule Team" (M-G-M)
"40 Little Mothers" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$7,500. (Average, \$9,500)
"Typhoon" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: \$5,800. (Average, \$7,000)
"My Favorite Wife" (RKO)
"British Intelligence" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: \$5,800. (Average, \$5,000)
"In Old Missouri" (Rep.)
TOWER—(2,200) (25c) 7 days. Stage: Rex Weber, Bob Easton, Romaine. Gross: \$5,900. (Average, \$6,000)
"Black Friday" (Univ.)
"House of Seven Gables" (Univ.)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: \$2,400. (Average, \$3,500)

Takes California House

EUREKA, Cal., May 30.—Redwood Theatres, Inc., has taken over the State from the Frank R. Sweasey estate.

Off the Antenna

PROPOSALS to broaden the membership of the National Association of Broadcasters to include stations which operate on channels other than the usual long wave broadcast frequencies will be offered at the annual convention in August. The move is particularly significant because of the probable rise of frequency modulation stations. Included in the new setup, if approved, will be standard stations, FM, television and international short wave stations.

Although the new arrangement will be all-inclusive, the separate organizations, such as FM Broadcasters, Inc., Independent Radio Network Affiliates and others which have special interests to foster will be continued. It is believed that the N.A.B. should represent a solid front on which all radio interests can agree while factional disputes can be avoided by the maintenance of separate organizations for specialized interests within the trade.

Programs: "Pot o' Gold" will be heard over NBC-Red at 8:30 P.M. Thursdays instead of Tuesdays on the Blue starting June 13. Lewis-Howe, the sponsor, will also sponsor "Musical Treasure Chest," with prizes for the studio audience in the former "Pot o' Gold" spot on the Blue. . . . Adom Hats will sponsor a minimum of 22 prize fights promoted by Mike Jacobs over NBC-Blue for a year, effective Thursday. . . . "Musical Steelmakers" sponsored by Wheeling Steel Co., will make its last broadcast over Mutual on Sunday, June 30, and will resume over the same web on Oct. 6. . . . "Columbia Workshop" shifts to 8 P.M. Sundays beginning June 9.

Advertising agencies report an increasing uncertainty upon the part of prospective sponsors to undertake new programs because of the war scare. A great deal of loose talk about the Government taking over the operation of radio in the event of war is responsible for the scare, it was said. Although it is known that broadcasting officials have been in consultation with administration officials, the attitude generally has been that radio is entitled to the same freedom of expression now enjoyed by the press. Radio will cooperate with the Government in the event of war, just as other industries will, but discussion of the Government taking over radio can only convey the impression that the industry does not feel competent to direct its own affairs, it was said.

Meanwhile, it is expected that the F.C.C. will study precautions to be taken to prevent "Fifth Column" activities in the event of a national emergency. One of the first, it is believed, will be a requirement that all station employees with their citizenship be listed when applications for FM licenses are made.

Purely Personal: Fred Weber, Mutual general manager, is in Chicago for one week. . . . Will Baltin, radio and drama editor of the New Brunswick Daily Home News, has been named program director for W2XWV, new DuMont television station. . . . Richard Coogan, of the "Young Dr. Malone" cost and Gay Adams will be married on June 15. . . . Doris Lee of WNEW will be married to Ross Sandler of Dell Publishing Co. on Sunday.

Broadcast Music has started a system of pushing the sales of its music by arranging with its 300 station affiliates to feature two new songs each week. Songs for next week are "Here in the Velvet Night" and "In the Silence of the Dawn."

BMI is drafting a contract with its composers to pay them for radio rights on the basis of the number of times a composition is played on the air. It is claimed that such contract will compensate composers on a fairer basis than is presently used by Ascaph. NBC and CBS will shortly name "co-ordinators" to encourage the use of BMI music.

'Irene' with \$6,600 Leads Indianapolis

INDIANAPOLIS, May 30.—"Irene," dualled with "You Can't Fool Your Wife" at the Indiana, led with \$6,600 in a quiet week.

Estimated takings for the week ending May 24:

"Typhoon" (Para.)
"Beyond Tomorrow" (RKO)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$6,300. (Average, \$6,000)
"Irene" (RKO)
"You Can't Fool Your Wife" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$6,600. (Average, \$5,000)
"40 Little Mothers" (M-G-M)
"20 Mule Team" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$6,800. (Average, \$7,000)
"Saps at Sea" (U. A.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: George Olsen's orchestra; Jean Blair; Frankie Conville and Sonny Dale; Harrison Sisters. Gross: \$7,500. (Average, \$8,000)

Charles Coburn Here

Charles Coburn arrived in New York yesterday from the Coast after finishing in M-G-M's "The Captain is a Lady." He will remain in the city until early in July, when he will assume direction of the Mohawk Drama Festival in Schenectady.

Tucker and 'Flight' \$25,000 in St. Louis

ST. LOUIS, May 30.—Orrin Tucker and Bonnie Baker on the stage boosted the Fox gross to \$25,000, with "Flight Angels" on the screen. The other theatres did just about average business.

Estimated takings for the week ending May 23:

"The Doctor Takes a Wife" (Col.)
"21 Days Together" (Col.)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$10,500. (Average, \$11,500)
"Flight Angels" (W. B.)
FOX—(5,038) (25c-40c-55c) 7 days. Stage show headed by Orrin Tucker and Bonnie Baker and band and including Gil Mason, The Bodyguards, Paul and Nino Ghezzi. Gross: \$25,000. (Average, \$11,000)
"My Son, My Son" (U.A.)
"Two Girls on Broadway" (M-G-M)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$12,500. (Average, \$13,000)
"Irene" (RKO)
"Bill of Divorcement" (RKO)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$4,200. (Average, \$4,000)
"Beware of Spooks" (Para.)
"In Old Missouri" (Rep.)
ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: \$2,600. (Average, \$2,600)

Take Mineola House

New operator of the Williston in Mineola, L. I., is the Willis Co.

FCC Probe of CBS Demanded By LaGuardia

WASHINGTON, May 30.—Full investigation of an alleged "plot" between CBS and the Citizens Budget Commission of New York to scuttle WNYC, municipally owned station, was asked of the F.C.C. yesterday by Mayor LaGuardia of New York.

In a letter to the F.C.C. the mayor charged that CBS and Harold Riegelman, representing the Budget Commission, "have been acting in collusion for the purpose of abolishing and suppressing municipal broadcasting station WNYC and bringing about its transfer to CBS."

The charges were made, the letter said, on the basis of information, including a preliminary report and inquiry conducted by the New York City Department of Investigation. Specifically, Mayor LaGuardia asked that the F.C.C. make a thorough examination of the books and financial records of CBS for the past year to determine whether there have been any expenditures, open or hidden, made for the purpose of securing the station.

Dallas Variety Club Sponsors Free Pool

DALLAS, May 30.—Dallas Variety Club Barkers have broken ground for a free swimming pool for the children of South Dallas in Sullivan Park. The Dallas tent will complete the pool and a bath house at a cost of \$20,000 as their first move in the \$75,000 charity activities for the year. Chief Barker Bob O'Donnell was the master of ceremonies at the ground breaking. William G. Underwood, chairman of the pool committee, and R. E. Griffith, chairman of the tent heart committee, assisted. Ground for the pool was given by the Dallas park board.

Variety Club in K. C. Holds Gala Luncheon

KANSAS CITY, May 30.—The largest luncheon attendance Variety Club has ever drawn here appeared this week wealth Theatres, and Warner Brothers when Republic-Midwest, Commonwealth employees were guests. Republic-Midwest presented the club with an American flag. Mrs. Lee Miller, wife of the manager of the Ashland, contributed a musical program. O. K. Mason, executive of Commonwealth, projected color pictures taken at the world premiere of "Dark Command" in Lawrence, Kans., early in April. About 100 attended.

Texas House Opens

PORT ARTHUR, Tex., May 30.—This city's new \$50,000 motion picture theater, the Sabine, owned by Sam Hyman of Lufkin, opened today. The Jefferson Amusement Co. is completing its \$40,000 community theater, the Port, at Ninth and Eighth here.

Whiteman to Coast

Paul Whiteman and members of his orchestra leave for the Coast tomorrow via American Airlines. They will be featured in M-G-M's "Strike Up the Band."

Keep their feet moving your way!



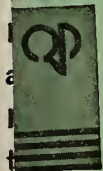
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VOL. 47. NO. 108

NEW YORK, U. S. A., MONDAY, JUNE 3, 1940

TEN CENTS

Studio-Wide Cost Revision Is Under Way

Zanuck Heads Council Seeking Economies

HOLLYWOOD, June 2.—The first industry-wide program designed to effect economies in technical operations and costs is under way here following meetings of leading Coast technicians under the auspices of the Research Council of the Academy of Motion Picture Arts and Sciences.

With Darryl Zanuck, recently named chairman of the council, taking a leading part, five basic committees have been named to study operations in each field to determine methods of saving money in studio operations. The committees will meet all this week to begin work on their part in the general program. General direction will be under the Research Council, consisting of one representative from each studio. The aim is a curtailing of capital outlay, not at the expense of personnel, but in operating methods.

The council, in addition to Zanuck, includes: John Aalberg, RKO; Bernard B. Brown, Universal; Farciot Edouart, Paramount; E. H. Hansen, 20th Century-Fox; Nathan Levinson, Warners; John Livadary, Columbia;

(Continued on page 3)

Fair Draws, But B'way Is Happier

Decoration Day business on Thursday was ahead of last year's at most of Broadway's first run houses. Although the World's Fair set a high mark for the season with 317,058 admissions, more than 100,000 better than the same day in 1939, Broadway houses were not badly affected during the day. In the evening, when colder weather set in, theatre grosses rose considerably.

"Irene," with a stage show at the Music Hall, drew an estimated \$77,000

(Continued on page 3)

New Wurtzel Pact To Run Until 1946

HOLLYWOOD, June 2.—Sol M. Wurtzel has received a new 20th Century-Fox contract which will keep him at the studio until 1946. His present contract as producer runs to 1943, the new one being a three-year extension. He has been with 20th Century-Fox and its predecessor company for 26 years.

Government Trial Against Companies Starts Today

Neely Hearings End Tomorrow; Action Unlikely

WASHINGTON, June 2.—Because of the necessity of the House Interstate Commerce Committee devoting itself to matters of national defense, the Neely block booking bill hearings will end Tuesday. Observers believe that as a result there is little likelihood of action on the measure this session.

Exhibitor opponents of the bill had their day on Friday. The opposition will complete its testimony tomorrow and the proponents will offer their rebuttal Tuesday.

Paul Sharanberg of the American Federation of Labor on Friday declared the organization is opposed to the bill because of fears that it will halve employment in Hollywood.

A. Julian Brylawski, Warner Theatres executive here and M.P.T.O.A. vice-president, warned that no legislative curbs should be placed on the industry with conditions as they are. He said that the national defense situation may make it necessary for the Government to call on exhibitors, and assured that they would be ready to respond.

Among the exhibitors testifying Friday were Harry Zeitz, New Bed-

(Continued on page 3)

Schaefer Reduced Salary Voluntarily

WASHINGTON, June 2.—George J. Schaefer, whose contract as RKO president calls for a salary of \$104,000 annually and expenses of \$250 per week until Dec. 31, 1941, voluntarily reduced his salary last October to \$68,240 per year, according to a registration statement filed by the company with the Securities & Exchange Commission yesterday in connection with the listing of the new securities of the reorganized company.

Ned E. Depinet, vice-president, was given a new three-year contract last January at \$1,500 per week and in the same month accepted a salary reduction to \$54,980 annually, the statement disclosed.

William Mallard, secretary and general counsel, will receive \$21,700 for

(Continued on page 3)

Expense for Eight Majors Already Estimated \$100,000 Each; Defendants Total 167; Trial Expected to Run a Year

Nearly two years after it was filed, trial of the Government's anti-trust suit against the eight major film companies will begin today before Judge Henry W. Goddard in United States District Court here. The suit was filed on July 20, 1938.

The Government seeks to bring about far-reaching changes in the industry's established practices in distribution, exhibition and production, one of the chief of which is a readjustment of five companies' corporate setup which would divorce production-distribution from affiliated exhibition.

The trial is expected to run an entire year. There are 167 corporate and individual defendants named by the Government.

Already pre-trial expense of the case is estimated by industry authorities to amount to about \$100,000 for each of the eight defendant companies. The same experts estimate that the trial will cost the companies and the Government some \$25,000 a day. Legal fees alone are expected to run about \$15,000 daily, with some of the country's outstanding lawyers prepared to defend the companies against the Government's charges.

Witnesses, both for the Government and the defense, will be called from all sections of the country. The entire history of the industry and its practices is expected to be reviewed during the trial.

The trial will be opened by the Government. U. S. Attorney General Robert H. Jackson, who was scheduled to make the opening address, will not attend the trial, it was said. Instead, Thurman W. Arnold, assistant Attorney General in charge of the Anti-Trust Division, is slated

to open the Government's case. He will be followed by Paul Williams, Arnold's first assistant in the prosecution of the industry suit, and possibly by other Government attorneys. The Federal attorneys are expected to require all of today and possibly part of tomorrow for their opening.

Preparations for trial have been in progress for almost two years. Unofficial estimates within the industry are that it may take more than two years to obtain a final determination of the suit from the courts, assuming that the litigation is not terminated by consent decree.

The defense battery of more than 30 attorneys who will have roles of varying importance in the trial of the Government's anti-trust suit against major elements in the industry, expressed themselves over the week-end as "fully prepared for the trial."

The defense does not expect to open until tomorrow. Thomas D. Thacher,

(Continued on page 4)

Government Aims

The Government seeks the following changes through the enforcement of a court decree in the "key" anti-trust suit:

1. Dropping of theatre control by Paramount, 20th Century-Fox and Warners.
2. Withdrawal from production by Loew's and RKO.
3. Injunctions against talent loans and other agreements not available to independent producers.
4. Free access to all product by exhibitors.
5. Abandonment of block booking, "forcing" of shorts and newsreels, arbitrary designation of playdates, clearance, overbuying, double bills, score charges and the designation of minimum admissions.

To enforce these changes, the Government asks for the issuance of a permanent injunction, the appointment of trustees, and the ruling that all sales contracts violating Government objectives are illegal.



Thurman Arnold

Personal Mention

SIDNEY R. KENT, president of 20th Century-Fox, returned from the Coast Friday. **JOSEPH M. SCHENCK**, chairman of the board, has returned to Hollywood.

DAVID O. SELZNICK plans to leave for the Coast by plane today and will return here in about two weeks.

SAMUEL GOLDWYN left for the Coast by plane over the weekend after a four-week visit in New York.

NATE J. BLUMBERG, Universal president, and **MATTHEW W. FOX**, vice-president, arrived in Hollywood over the week-end for the Summer.

STANLEY J. DAY, who will conduct a survey in Chile and Peru for 20th Century-Fox, sailed Friday on the *Santa Clara*. He will be gone two months.

M. A. SILVER, Warner Theatres Albany zone manager, is touring the Western New York district.

JOHN L. DAY, Jr., Paramount South American general manager, is due from Rio de Janeiro on the *Uruguay* next Saturday for the conference of Latin American Paramount managers.

MR. and MRS. EDWARD MOORE of the U. S. Embassy staff in London, have arrived in this country via *Clipper*, accompanied by **ROSEMARY KENNEDY**, daughter of **AMBASSADOR JOSEPH P. KENNEDY**.

GEORGE FRASER, Paramount foreign publicity manager, arrived here from the Coast over the week-end.

ANDREW M. ROY, Warner Theatres manager in Albany, Wednesday leaves on a week's vacation. He will visit his brother in Cleveland.

D. B. LEDERMAN, 20th Century-Fox Philippines manager, has arrived on the Coast and will come here this week. He will return to his post in about two months.

VICTOR CUSANELLI, Warner New Haven booker, left over the weekend for a vacation in Miami Beach.

ALBERT LAURION is celebrating his 28th anniversary as operator of the Union Hall Theatre, New Haven. The house is open one day a week.

Theatre Manager AVAILABLE

Has had 17 years experience in the motion picture business. Has done publicity, exploitation, tie-ups in home office. Also worked as production manager. 35 years of age, married, willing to go anywhere. Box 810, MOTION PICTURE DAILY.

Block Calls Synopsis Provision Of Neely Bill Blue Law Offspring

Ralph Block of the Screen Writers Guild in Hollywood testified concerning the synopsis provisions of the Neely block booking bill at the House Interstate Commerce hearing on Thursday, Memorial Day.

Washington, June 2.—Outlining the difficulties of the synopsis provisions of the Neely block booking bill on Memorial Day before the House Interstate Commerce Committee, **Ralph Block** of the Screen Writers Guild, said the provision "is an offspring of every outmoded 'blue law,' of every old-fashioned attempt to legislate morals and taste and as such should arouse the suspicion of everyone interested in legitimate and judicially minded legislation."

Block admitted that a synopsis might be written, but contended it was a question whether any two persons will agree on the same elements. He declared it as a matter of "the human mind and the fallibility of the human mind." He said he might write a synopsis of a picture, "but not with the fear of the penalties of the bill."

I.A.T.S.E. Biennial Convention Opens

LOUISVILLE, Ky., June 2.—About 800 delegates were assembling here today for the biennial convention of the I.A.T.S.E. which gets under way tomorrow. Among major business up for consideration are the election of officers, establishment of a group insurance plan for members and the union attitude to the Neely bill, as well as jurisdictional matters.

George E. Browne, president, is assured of reelection, according to advance indications. Contests will center about election of the seven vice-presidents, it was said. The insurance plan, if adopted, will probably be headed by **James J. Brennan** of New York, sixth vice-president, and there is some doubt about whether or not he will seek reelection as a vice-president. The union is expected to adopt the insurance plan and take a stand against the Neely bill.

First Half Schedule Set by Ball League

Motion Picture Baseball League has set the following schedule for the first half of this season. June 3, Skouras vs. Consolidated; June 6, M-G-M vs. International Projector; June 7, Universal vs. Paramount; June 8, Rockefeller Center vs. Consolidated; June 10, M-G-M vs. NBC; June 13, International Projector vs. Universal; June 14, NBC vs. Skouras; June 15, Paramount vs. Rockefeller Center; June 17, Consolidated vs. International Projector; June 20, Universal vs. NBC; June 21, Skouras vs. Paramount; June 22, Rockefeller Center vs. M-G-M; June 24, Universal vs. Skouras, and June 27, International Projector vs. Rockefeller Center.

Lease Great Neck House

Frank Moscato and **Irving Pinsker**, of the Island circuit, have leased a theatre which is under construction in Great Neck, L. I. The house, which is scheduled to be completed by Sept. 15, will have 600 seats.

Halt Mexican Production Until After July 7 Election

By **JAMES LOCKHART**

MEXICO CITY, June 2.—Picture production is almost at a standstill as producers have adopted a watchful waiting policy until after the presidential elections, set for July 7. Unsettled political and economic conditions in Mexico right now are responsible for this halt, which with slow production earlier this year, promises to make 1940 a new low in Mexican picture making.

The dignity of Mexican pictures must be upheld, the producing section of the national film workers union decided when they forebade a group of local technicians, including **Alex Phillips**, Canadian cameraman who has done much work in Mexico, to go to Monterrey, a border industrial center, to make a film. The union took this stand because Monterrey lacks full facilities for producing films and they declared any picture made there would make the Mexican industry look ridiculous.

That the decree President **Lazaro Cardenas** issued last year which demands that exhibitors must screen

a Mexican-made picture at least once a month is no joke, was demonstrated to local exhibitors when they were fined a total of \$6,650 during the past six months by the Civic Government for not obeying this regulation.

For the first time in Mexican short subject production, an American girl, **Janet Francis**, is playing the lead. She has the star role in a series of shorts that **Max Urban** is making here.

What he claims will be a super sound reproducer, an apparatus that will be known as "Ribatone," is being perfected here by **Santiago Garces**, Spanish political refugee, who besides being chief of the Republican secret service was prominent in the picture business in Madrid. The civil war disrupted work on the apparatus, and **Garces** brought his invention to Mexico. He expects to complete it early in June.

Delivery has been taken by a local distributor of 20 pictures that were produced in Czechoslovakia before that country was absorbed by Germany. The films came from France.

Canada May End Amusement Levies In Reorganization

TORONTO, June 2.—In the plan for reorganization of the public financing system of Canada, proposed in the report of the Royal Commission on Dominion-Provincial Relations and now before the House of Commons, nuisance taxes, such as the gasoline, amusement and sales levies, are to be eliminated by provincial and municipal governments which will, however, continue to impose license fees and real estate imposts.

The Federal Government does not intend to create a country-wide amusement tax, as rumored when Parliament opened, but would revise the present chaotic system of corporation taxation so that the amusement and other inconvenient forms of levies would be dropped with a resultant saving in collection costs, waste and overlapping.

Philadelphia Houses Fighting Carnivals

PHILADELPHIA, June 2.—Neighborhood exhibitors are alarmed over the inroads in picture grosses made by itinerant carnival shows here. While the previous administration curbed the carnivals, under the present administration, at least 16 carnivals have been licensed.

Apart from the dislocation to local theatres revenues, exhibitors point out that the only revenue the city receives from carnivals is a \$100 license fee. Last year, film houses and theatres contributed most of the nearly \$1,000,000 in amusement taxes. The tax on admissions, from which the city derives most of its amusement tax revenue, is not levied on carnivals, which operate free and exempt of tax on admissions.

Screen Revised 'Nazi'

HOLLYWOOD, June 2.—The revised version of "Confessions of a Nazi Spy" was screened at the Warner studio. New footage inserted in the film includes an address at a spy trial by **Henry O'Neill**, actor, in which he denounces Nazism. During the address a montage of newspaper headlines depicts European conquests since the picture was made.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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New Haven Group Opposes Neely Bill

New Haven, June 2.—As a result of a legislative committee meeting called by Professor Ray Westerfield, chairman on the Neely bill, the New Haven Chamber of Commerce has decided to register opposition to the bill in Washington. Exchange managers of the district, Lou Schaefer, Paramount manager, and John Hesse, Roger man manager, were present at the meeting.

Hearings on Neely Bill End Tomorrow

(Continued from page 1)

ford, Mass.; Fred Green, Woonsocket, R. I., and Roy McMinn, Superior, Wis., who declared that the bill might result in the loss of franchise contracts. Philadelphia exhibitor views were expressed by George P. Aarons and J. Luke Gring. Morris Lowenstein of Oklahoma City decried outside regulation of intimate industry problems, declaring exhibitors do not want to be "helped" by "dictation" of what they shall show. James Olson, Clare, Mich., attacked the bill as offering the exhibitor nothing.

R. N. Smith of Mission, Tex., vice-president of Allied of Texas, testified on Thursday that there is no need for legislation regulating the booking of pictures. Opposition to the measure also was voiced by Hugh W. Bruen, Whittier, Cal.; Nat M. Williams, Thomasville, Ga.; O. C. Lam, Rome, Ga.; Mack Jackson, Alexander City, Ala., and Stanley Sumner, Cambridge, Mass.

Fair Draws, But B'way Is Happier

(Continued from page 1)

for the week ending Wednesday. "My Favorite Wife," which followed, grossed an estimated \$20,000 on opening on the holiday. At the Roxy, "Lillian Russell" with a stage show took an estimated \$44,000 for its second week and was held for a third. "Torrid Zone" with Sammy Kaye's band on the stage grossed an estimated \$34,000 for its second week at the Strand and was also held for a third week.

"Waterloo Bridge" is also playing a third week, having drawn an estimated \$34,000 during the second. "Twenty-one Days Together" at the Rivoli was good for an estimated \$22,000 for its first week and was held over. In its 23d week at the Astor, "Gone With the Wind" grossed an estimated \$10,000.

Friedl Takes Over Two Steffes Houses

MINNEAPOLIS, June 2.—Management of the World and Alvin here has been taken over by Minnesota Amusement Co., according to John J. Friedl, president of the company, following negotiations with W. A. Steffes, president of the World Theatres Corp. The arrangement will be effective for three years. No changes are planned for the World, and Alvin policies will be set shortly.

Hollywood Reviews

"Brother Orchid"

(Warners)

HOLLYWOOD, June 2.—Based on the Richard Connell *Collier's Magazine* story, "Brother Orchid" returns Edward G. Robinson to the screen in the role of a gangster—but with a difference. For here Robinson is a gang leader who resigns the perquisites of office in pursuit of culture, a chase he finds futile.

After five years, thoroughly scalped by European antique dealers, horse traders and the keepers of gambling casinos, he returns, to find the gang in no way anxious to regain its former leader.

Spurred by a desire for revenge, and helped by his former girl and one loyal henchman, he is finally trapped and "taken for a ride", but manages to find refuge in a non-denominational monastery which raises flowers and gives the proceeds to the poor. And there he returns, after finally getting revenge on the gang, which meanwhile had stopped the sale of the monastery's flowers, to find that "real class" consists of the inconspicuous good deeds performed by the monastic brothers.

Robinson ably blends the farcical and serious aspects of the leading role, while his supporting cast shows equal understanding of the film's novel handling of a gangster theme. Ann Sothern deftly portrays the girl whom Robinson leaves, as a parting gift, a job as hat check girl, and who ends as owner of the club. Humphrey Bogart is properly sinister as the rival gang leader, Ralph Bellamy more than able as a westerner in love with Miss Sothern, for whom Robinson finally renounces the girl.

Donald Crisp, as "Brother Superior," and Allen Jenkins, as the loyal gangster, are well cast. Earl Baldwin wrote the screenplay, Lloyd Bacon directed, and Mark Hellinger acted as associate producer.

Running time, 88 minutes. "G."*

W. S.

"Manhattan Heartbeat"

(20th Century-Fox)

HOLLYWOOD, June 2.—Based on a play by Vina Delmar and Brian Marlow, in turn stemming from Miss Delmar's novel, "Bad Girl," this is a story of a young couple's struggle to realize their dreams in New York.

As written by Harold Buchman, Clark Andrews, Jack Jungmeyer, Jr. and Edith Skouras, the screenplay portrays the marriage of a young man who had previously scorned that institution, and his gradual change as he gives up his ideal of owning an airport in order to provide for his wife and, ultimately, his son. Action is provided by his efforts to raise money and provide his wife with the best baby specialist, as he power dives a plane taken up under false pretenses.

The young man in the case is ably portrayed by Robert Sterling, his wife by Virginia Gilmore. Comedy is supplied by Joan Davis and her boy friend of the film, interpreted by Edmund MacDonald.

David Burton directed and Sol Wurtzel was executive producer.

Running time, 70 minutes. "G."*

W. S.

*"G" denotes general classification.

Manages Jersey House

PLEASANTVILLE, N. J., June 2.—Howard Baker, for the past seven years manager of the Carlton and old Rialto here, has been named manager of the new Rialto, Stanley-Warner house.

Evergreen Shifts Reed

SPOKANE, Wash., June 2.—Richard Reed has been promoted to assistant manager at the State, Evergreen house here, succeeding Elmer Swanson, transferred to the Fox as assistant manager.

Republic Buys Story

HOLLYWOOD, June 2.—Republic has purchased "Golden Wings," novel by William von Alst, on the life of Gen. William Mitchell, Army officer suspended some years ago for air force criticism.

Set Bette Davis Film

HOLLYWOOD, June 2.—Bette Davis will be starred by Warners in "Calamity Jane," a story of a girl sharpshooter of the old West.

First Studio Cost Revision Under Way

(Continued from page 1)

Thomas Moulton, Goldwyn; Elmer Raguse, Roach; Douglas Shearer, M-G-M, and Gordon S. Mitchell, manager of the council.

Basic committee members are:

Cinematographic—John Arnold, Dan Clark, Robert DeGrasse, Merritt Gerstad, C. Roy Hunter, Roy Seawright, William Thomas, Joseph Valentine, Joseph Walker. Cine-Technical—Grover Laube, Harry Cunningham, Frank C. Gilbert, Emil Oster, Al Tondreau, A. G. Wise. Laboratory—J. M. Nickolaus, Fred Gage, Michael Leshing, George Seid, Sidney Solow, Ray Wilkinson. Optical—Burton F. Miller, Fred Albin, John Fulton, Grover Laube, John Livadary, Wilbur Silvertooth, W. B. Slaughter, Jr. Sound—Loren Ryder, C. W. Faulkner, Lawrence Aicholtz, Wesley C. Miller, William Mueller, Clem Portman, Elmer Raguse, Goldon Sawyer, S. J. Twining.

Challenge Estimate Of New Tax Revenue

Washington, June 2.—Estimates that \$25,000,000 would be derived from the reduction of the admission tax exemption from 40 to 30 cents were challenged by individual members of the House Ways and Means Committee.

The contention that \$25,000,000 in taxable admissions lay between 30 and 40 cents was declared incredible. It was pointed out that taxes on all admissions in excess of 40 cents now bring in only about \$20,000,000 annually.

Schaefer Reduced Salary Voluntarily

(Continued from page 1)

1940, also after a salary reduction. The reductions were undertaken as a result of RKO's loss of foreign revenues due to the European war and were made on a graduated scale beginning with salaries of \$4,500 a year.

N. Peter Rathvon will receive \$21,450 as chairman of the executive committee and a director, and Richard C. Patterson will receive \$15,720 as chairman of the RKO board and director of subsidiary companies.

Five Own Stock

The statement showed that five directors or officers of RKO owned stock in the company. They are: Frederick L. Ehrman, director, 160 shares of preferred and 800 of common; Lawrence Green, director, 5,250 shares of common; Conde Nast, director, 2,800 of common; Patterson, board chairman, 689 common, and W. H. Clark, assistant treasurer, one share of preferred, 60 common and 329 option warrants.

The registration statement also reported that contracts in existence with RKO Pathe News call for 30 per cent of the domestic gross and 35 per cent of the foreign gross of the newsreel, plus expenses, taxes and charges collected by RKO for distributing the reel. A flat distribution charge of 35 per cent is made for RKO Pathe's Sportsopes, "Information Please" and "Reelisms" subjects, with expenses, taxes and charges additional. A maximum advertising expenditure of \$6,500 for each series is specified in the contract.

The statement also discloses that RKO's office lease in Rockefeller Center runs to March 31, 1952, at \$151,636 a year.

Rosenthal Leaves W. B. Albany House

ALBANY, June 2.—Robert M. Rosenthal, Ritz Theatre manager for Warners here, has resigned.

In his place, Zone Manager M. A. Silver has appointed Mel Conheim, who has been managing Warner's Regent in Elmira. Irving Rosenstock, assistant manager at the Albany, will go to the Ritz.

Wheating Golf Host

ALBANY, June 2.—Frank Wheatling, who operates the Park, Cobble-skil, has invited all Albany branch managers, salesmen and bookers for an afternoon of golf and a dinner at his club there Saturday, June 8.

Government's Trust Trial Opens Today

(Continued from page 1)

head of defense counsel for Paramount, and former Solicitor General of the U. S., will make the opening address to the court for the defense. He will be followed by John W. Davis, one-time Democratic nominee for the Presidency, who is chief counsel for Loew's; then Ralph S. Harris of Dwight, Harris, Koegle & Caskey, counsel for 20th Century-Fox; Col.



Paul Williams

William J. Donovan of Donovan, Newton, Leisure & Lumbard, chief counsel for RKO; Louis D. Frohlich and Herman Finkelstein of Schwartz & Frohlich, counsel for Columbia; Edward C. Raftery of O'Brien, Driscoll & Raftery, counsel for United Artists and Universal, and Judge Joseph Proskauer of Proskauer, Rose & Paskus, counsel for Warners, who will make the closing address.

The Government thereafter will open the prosecution by taking up the exhibition and distribution situation in the Philadelphia territory, probably on Thursday. Its first witnesses will be placed on the stand at that time.

The Government's chief aims in the suit, as set forth in its bill of complaint, are the divorcement of production and distribution from exhibition and the invalidation of virtually all existing trade practices and policies. The litigation, in effect, is a test of the legality of current industry methods of operation.

Readjustment Sought

Specifically, the Government seeks to compel Loew's and RKO to divest themselves of production and distribution operations, contending that they were theatre companies originally and should remain so, and the divestiture by Paramount, 20th Century-Fox and Warners of their theatre operations, on the ground that these companies were and should have remained picture companies.

Trade practices which it seeks to invalidate are talent loans and other agreements not available to independent producers; block booking, arbitrarily designated play dates, forcing of short subjects and newsreels, score charges, clearance, overbuying, designation of minimum admissions, and double featuring. The suit alleges the existence of "monopolistic control" of production and exhibition through practices and policies now prevailing.

The court is asked by the Government to appoint a trustee to administer affiliated theatres if and when divorcement is realized, and to dispose of them in a manner to be determined by the court. The court, also, is asked to pronounce invalid all contracts which give "unfair trade advantages" to one theatre or theatres not enjoyed by all.

The Government has asserted its primary aim is "the restoration of free

125 Will Attend Columbia Sales Meeting in Chicago

The first of Columbia's two regional sales meetings will open at the Blackstone Hotel, Chicago, tomorrow with approximately 125 sales representatives from 16 Western branches and home office executives attending the four-day session.

The second meeting will be held in Atlantic City, June 11-14, for the Eastern sales forces.

Speakers at the Chicago meeting will be: Jack Cohn, Columbia vice-president, who will open the session; Abe Montague, general sales manager, who will preside; Rube Jackter, assistant sales manager; Abe Schneider, treasurer; Maurice Bergman, advertising and publicity director; Joseph McConville, foreign department head; Lou Weinberg and Lou Astor, in charge of circuit sales; Max Weisfeldt, short subjects supervisor; Al Seligman, accessories, and Maurice Grad, sales promotion.

Other home office officials who will be present include H. C. Kaufman, G. Josephs, B. E. Zeeman, S. Raiser, V. Borrelli, I. Sherman, J. Freiberger, W. Brennan and Al Sherman.

Field Staffs to Attend

The following field men will attend:

Phil Dumas, Midwestern division manager; C. W. Phillips, T. Greenwood, F. Flaherty, I. Joseph, M. Delano and W. J. Kahl of Chicago. H. J. Chapman, branch manager, and M. E. Mazur, I. Marks, D. H. Conley, M.

W. Sgutt, A. L. Aved and W. Evidon of Minneapolis.

J. H. Jacobs, branch manager, and E. Dunas, J. Zide, F. Horn, and R. Adler, of Omaha.

O. J. Ruby, branch manager; T. J. MacEvoy, S. R. Chapman and D. V. Chapman, of Milwaukee.

M. H. Evidon, branch manager; A. B. Leake, M. Goodman, O. Miller and B. H. Thomas of Des Moines.

Carl Shalit, Central division manager; H. R. Shields, R. F. Cloud, G. L. McCoy, C. H. Townsend and C. Baker of Detroit.

W. G. Craig, branch manager; H. Kaufman, C. Butler, A. J. Gelman and L. Shubnell of Indianapolis.

C. D. Hill, branch manager; L. A. LaPlante, J. Bradford, C. Ferris and R. Mortenson of St. Louis.

B. C. Marcus, branch manager; T. Baldwin, W. Bradfield, C. E. Reynolds, H. S. Stulz, Z. Beiser and M. Shackelford of Kansas City.

Jerome Saffron, Western division manager; W. C. Ball, branch manager; H. Wineberg, S. Fisher, H. M. Lentz, N. Newman and Mike Newman of Los Angeles.

L. E. Tillman, branch manager; C. Scott, P. Weinstein, E. Roberts and M. Klein of San Francisco.

R. C. Hill, branch manager; B. M. Shooker, S. Dare, S. Cramer and T. J. Robinson of Denver.

W. G. Seib, branch manager; K. Lloyd, L. E. Kennedy, H. Green and W. Sterzer of Salt Lake City.

Neal Walton, branch manager; R. A. Ackles, W. K. Beckwith and W. Kostenbader of Seattle.

J. R. Beale, branch manager; C. E. Tillman, W. T. Withers and L. S. Metzelaar of Portland, and from Canada: L. Rosenfeld, general manager; D. H. Coplan, sales manager; W. Elman, A. Cohen of Montreal; H. Harnick of Calgary; H. Levant of Vancouver; I. Levitt, J. C. Cohen of Winnipeg; A. B. Cass, J. Allen of Toronto.

enterprise and open competition among all branches of the industry."

The industry has responded that "it welcomes a test to determine where it stands legally."

Arnold has stated that if the Government is unable to prove in court that integrated operation and prevailing trade practices are not unlawful, he will seek to invalidate them by sponsoring legislation which will outlaw them. He recently appeared before a Senate committee to speak favorably of the new Neely bill to require divorcement of affiliated theatres.

Defendants Total 167

Defendants named by the Government include the eight major companies and their principal subsidiaries and affiliates and 134 individual defendants—present and former officers and directors of the companies. In all, there are 167 corporate and individual defendants.

Despite charges frequently made in Washington during the past year and a half that defendants have deliberately maneuvered to delay trial of the suit, the record reveals that every routine preliminary step of the defendants to advance their preparation for trial was opposed by the Government, requiring numerous additional court hearings and delays to await court decisions on the validity of the Government's opposition. In all major respects, the Government was overruled by the court in these interludes, the most important of which had to do with the necessity of the Government filing bills of particulars and complying with defense applications for more definite information with respect to charges.

A major effort to settle the action out of court by consent decree was

made by the Department of Commerce, which instituted discussions on the subject a year ago, in June, 1939. The discussions bore fruit last February in the form of a proposed consent decree, which was favorably received by four major company defendants and was rejected by the other four and subsequently by Arnold.

Consent Decree Possible

One major defendant which rejected the proposed decree said that it did not believe it could live under the terms projected. The other three said they were convinced that they could do as well or better by going to trial. Arnold intimated that the decree did not meet with his approval because of its failure to require divorcement of exhibition from production and distribution.

Attorneys identified with the case still believe there is a possibility of a settlement by consent decree before the trial is concluded if one is proposed which they feel the companies can "live under."

Allied States was active in bringing about the filing of the suit by the Government, providing the Department of Justice with numerous independent complaints and, later, with prospective witnesses. The independent exhibitor organization, however, was the first to advocate a consent decree, doing so in a statement issued the day following the filing of the suit in New York Federal court.

Opens Resort Theatre

AVALON, N. J., June 2.—Frank D. Windell has reopened the Pier Theatre in Municipal Pier here for the Summer season, operating on a straight picture policy.

'Russell' Hits \$30,100 in 2 L.A. Theatres

LOS ANGELES, June 2.—"Lillian Russell" and "Charlie Chan in Panama" drew a total of \$30,100, with \$13,300 at the Chinese and \$16,800 at Loew's State. "Rebecca" accounted for \$4,800 in the ninth week, the 4 Star.

Estimated takings for the week ending May 29:

"Come With the Wind" (M-G-M) CATHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 22nd week. Gross: \$10,700. (Average, \$17,000)

"Lillian Russell" (20th-Fox)

"Charlie Chan in Panama" (20th-Fox) CHINESE—(2,500) (30c-75c) 7 days. Gross: \$13,300. (Average, \$12,500)

"Rebecca" (U. A.)

4 STAR—(900) (40c-55c) 7 days, 9th week. Gross: \$4,800. (Average, \$3,250)

"Primrose Path" (RKO)

"Half a Sinner" (Univ.)

HILLSTREET—(2,700) (30c-55c) 7 days, 2nd week. Gross: \$5,200. (Average, \$6,500)

"Lillian Russell" (20th-Fox)

"Charlie Chan in Panama" (20th-Fox)

LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$16,800. (Average, \$14,000)

"Primrose Path" (RKO)

"La Conga Nights" (Univ.)

PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: \$5,000. (Average, \$7,000)

"The Biscuit Eater" (Para.)

PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Marx Bros in person. Gross: \$17,000. (Average, \$18,000)

"Torrif Zone" (W. B.)

WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: \$10,500. (Average, \$14,000)

"Torrif Zone" (W. B.)

WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: \$11,100. (Average, \$2,000)

Tucker Band, 'Island' \$16,600, Milwaukee

MILWAUKEE, June 2.—Orrin Tucker and Bonnie Baker at the Riverside with the film, "Island of Doomed Men," drew \$16,600. "Lillian Russell" and "Viva Cisco Kid" took \$8,000 at the Fox Wisconsin.

Estimated takings for the week ending May 29-30:

"Waterloo Bridge" (M-G-M)

"Remember the Night" (Para.)

STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$1,200. (Average, \$1,500)

"My Son, My Son" (U. A.)

"Over the Moon" (U. A.)

WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$4,500)

"Lillian Russell" (20th-Fox)

"Viva Cisco Kid" (20th-Fox)

WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$8,000. (Average, \$5,500)

"Typhoon" (Para.)

"Seventeen" (Para.)

PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$5,600. (Average, \$4,000)

"Island of Doomed Men" (Col.)

RIVERSIDE—(2,700) (30c-40c-55c) 7 days. Stage: Orrin Tucker, Bonnie Baker. Gross: \$16,600. (Average, \$6,500)

U. S. Music Clubs To Make Film Award

Special annual awards for musical pictures and musicians and artists contributing to the productions will be made by the National Federation of Music Clubs with the collaboration of the Hollywood studios, according to a Federation announcement.

State previewing committees will be set up to judge the outstanding musical works and the initial awards will be made at the Federation's biennial convention in Los Angeles in June, 1941. The awards are designed to complement rather than supplant awards to musical pictures by the M. P. Academy, it was said.

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TEN CENTS

J. M. Schenck To Face Trial In Tax Fight

20th-Fox Chairman Calls Indictment 'Unfair'

Joseph M. Schenck, chairman of the board of 20th Century-Fox, was indicted yesterday by a Federal grand jury on charges of income tax frauds, conspiracy, perjury and making false statements to a Federal investigator.

Also accused in this indictment is Joseph H. Moskowitz of 20th Century-Fox. Two indictments were returned against Schenck, containing 24 counts.

The first indictment charges conspiracy and income tax fraud for the years 1935, 1936 and 1937. Schenck is accused of withholding from the Government \$400,000 in taxes because of fraudulent deductions of expenses and by fictitious stock losses.

The second indictment charges perjury and making false statements. It is based on certain transactions in 1937 in which it is asserted by the Govern-

(Continued on page 6)

B'way Gross Fair Despite Weather

With the advent of hot weather yesterday and Sunday, Broadway grosses dropped somewhat but the week's total help up well. Aided by good grosses on Decoration Day and Saturday, most box-offices showed fairly strong returns.

The World's Fair on Sunday had its third best day in two seasons and caused a reaction at theatre box-offices during the matinee, but evening business improved.

"My Favorite Wife" with a stage

(Continued on page 6)

Green Praises IA For Loyalty to AFL

LOUISVILLE, June 3.—William Green, president of the A.F.L., told some 1,200 delegates to the I.A.T.S.E. Biennial Convention which opened here today he was pleased with the loyalty of the union to the Federation.

Green said the I.A.T.S.E. had remained faithful despite "propaganda" of some rebels and "attacks" by persons opposed to the A.F.L. movement. The remarks were regarded as a reference to efforts of John L. Lewis

(Continued on page 6)

Opponents of Neely Bill End Testimony, Refuting Charges

WASHINGTON, June 3.—Opponents of the Neely block booking bill today completed the presentation of their case before the House Interstate and Foreign Commerce committee with the refutation of many of the charges brought against the distributors by proponent witnesses, a warning that if the bill is enacted films will be sold singly only and a charge that the measure offers a vehicle for "polite blackmail."

A number of statements, including those of George J. Schaefer, president of RKO, and Francis S. Harmon, Eastern representative of the Production Code Administration, were submitted for the record instead of being delivered orally, in order to save time, and the only witness to testify was Austin C. Keough, vice-president, secretary and general counsel of Paramount.

Contending there "is nothing illegal or morally wrong" about block booking and blind selling, but that those practices were developed out of keen

(Continued on page 7)

Hugh Owen to Head U. A. Southern Sales

Hugh Owen was named Southern district manager for United Artists yesterday by Harry L. Gold, vice-president and Eastern sales manager. He replaces Dave Prince, resigned. Owen formerly was United Artists branch manager at Dallas. His new headquarters will be in Atlanta.

Segal Sees Several Bright Spots in Foreign Markets

By SHERWIN A. KANE

Several bright spots still remain in the European and Near East markets despite the war on the Continent, Jack Segal, Columbia home office representative for Europe, who has just returned from a six-month European tour, pointed out yesterday.

Segal listed Sweden, Portugal, Greece, the Balkans, Turkey, Syria and Egypt as good markets in which no currency restrictions have been invoked. He said business has been good in many other European countries where remittances are banned, such as Spain, France, Czechoslovakia, Norway, Denmark and Finland. He reported theatres in the invaded Scandinavian and Low Countries reopened a few days after the invasion

U. S. DEMANDS END OF 'MONOPOLIES'

Capital Believes Decree Possible

Washington, June 3.—Possibilities of a consent decree settlement of the New York "key" anti-trust suit were seen here today in reports of closely guarded conferences at the Department of Justice in the past 48 hours.

Justice and Commerce officials concerned with the situation, together with top executives of the former department, were said to have met just prior to the opening of the New York trial, reportedly to consider quick settlement of the case.

No comment was forthcoming at either department, but in informed quarters it was said that the opening of the trial paved a way for new consideration of consent decree proposals. It was explained that any settlement now reached would have to be based on a stipulation in which the companies admitted some of the allegations in the suit, which would become a court record and as such the basis for further action in the event of violation of the decree.

Arnold, Williams Open Case for Government In N.Y. Trust Suit

Elimination of alleged monopoly on the part of the eight major companies was demanded yesterday by the Government at the opening of trial

of the New York anti-trust suit as Assistant Attorney General Thurman W. Arnold and Special Assistant Attorney General Paul Williams outlined the Government case to Federal Judge Henry W. Goddard.

Arnold and Thomas Thacher Williams completed the statement of the Government case late in the afternoon and were followed by Thomas D. Thacher, first defense speaker. Thacher will continue today.

Arnold relegated to himself the function of explaining the broad

(Continued on page 6)



Exhibitor Support Is Vital: Montague

CHICAGO, June 3.—The future of the American film industry depends as much on the extent to which exhibitors in the United States will cooperate with producers this season as it does on any other single factor, Abe Montague, Columbia general sales manager, said on his arrival here today to open the company's annual sales meeting at the Blackstone Hotel tomorrow.

He asserted that Columbia, in making

(Continued on page 4)

Spyros Skouras to Speak Before Ampa

Spyros Skouras, head of National Theatres, will be guest of honor and principal speaker at the weekly luncheon meeting of Ampa at Jack Dempsey's restaurant on Thursday.

Douglas Whitney, publicity representative, recently elected to Ampa membership, has been added to the entertainment committee, of which Rutgers Neilson of RKO is chairman.

Chicago Union Aims At Candy Counters

CHICAGO, June 3.—Probable elimination of some candy counters from theatre lobbies and revenue decrease from others is foreseen as the Retail Clerk's Union, A.F.L., has started making overtures to exhibitors with a view to unionizing candy counter employees.

Max T. Caldwell, A.F.L. organizer and head of the Chicago local, stated that some contracts had been submitted to several of the larger circuits but that no contracts have been signed.

Some of the demands in the contract are: \$18.50 weekly minimum for men; \$16.50 minimum for women; extra employees, \$3.00 daily; 55 cents per hour minimum with a minimum of four consecutive hours at any time.

Concessionaires point out that such a union contract would automatically reduce the profits of both the exhibitor and the concessionaire.

Louisiana Bills Ask Censorship and Tax

BATON ROUGE, La., June 3.—Two new bills which directly affect the film industry are in the legislature here.

A Senate bill would make film censorship, provided by the 1935 legislature, mandatory by appointment of a functioning body of the state board of censors, to be appointed by the governor. Representative McCain has introduced in the House a bill providing for a graduated amusement tax from one cent on admissions of 11 cents to 25 cents on the dollar for admissions over \$1. He said it was intended to provide revenue for college and high school students living within 65 miles of a school.

Personal Mention

NEIL F. AGNEW, JOHN W. HICKS, ROBERT M. GILLHAM, ALBERT DEANE, and AL WILKIE have returned here after attending Paramount's annual sales convention in Los Angeles.

DAVID O. SELZNICK postponed his departure for the Coast a day. He will leave by plane today and plans to return to New York in about two weeks.

WILL H. HAYS is in Indiana for a brief stay.

RALPH POUCHER, PAUL BENJAMIN, MARVIN SCHENCK, DOUGLAS ROTHACKER, EUGENE PICKER, SAM LYONS, WILLIAM FITELSON, HAL HORNE and BUDD ROGERS lunching at the Tavern yesterday.

LOU WEINBERG, SOL EDWARDS, ABE SCHNEIDER and ARCHE MAYERS at Lindy's (next to the Rivoli) yesterday for lunch.

NAT WACHSBERGER of Film Alliance of the U.S. returns from the Coast today.

MOE GINSBERG of the Pix, Chicago, was a recent World's Fair visitor.

MRS. WALTER GRIFFITH, secretary of the T.O.A. of North and South Carolina, is recovering from several weeks' illness at her home in Charlotte, N. C.

HAROLD RUDNICK and FRANK REYNOLDS of the Bijou, New Haven, leave this week for a vacation.

SAM CHURIMOFF of the Lincoln, Chicago, has been a New York visitor.

DR. J. B. FISHMAN, of Fishman Theatres, New Haven, has been re-appointed honorary research fellow in physiological chemistry at the Yale Medical School.

PAT CASEY, labor representative of the Producers Association, has arrived from the Coast. He will attend the American Federation of Musicians' convention in Indianapolis next Monday.

BUDD ROGERS, vice-president and general manager of Alliance Films, has returned from a 10-day visit to franchise holders in the field.

MRS. T. J. CONNORS, wife of the M-G-M Eastern sales manager, and daughter, KATHERINE, will sail June 14 for South America on the *Uruguay*.

G. L. CARRINGTON, Altec vice-president and general manager, is back from the Midwest.

MR. AND MRS. WILLIAM LEVY of the Heights, Minneapolis, were in town last week.

F. J. A. MCCARTHY, Eastern sales manager of Universal, returns today from Buffalo.

J. J. MILSTEIN, IRVING BERLIN, KAY KAMEN, SOL BORNSTEIN and JACK GOETZ lunching at Lindy's (51st St.) yesterday.

A. A. SCHUBART, RKO exchange operations manager, is visiting the Boston exchange.

GEORGE HARVEY, manager of Warner's Palace, South Norwalk, Conn., is on vacation.

STANTON GRIFFIS, LEON NETTER, ARTHUR MAYER, LEONARD GOLDENSON, CHARLES SONIN, ARTHUR SCHWARTZ, VERNON DUKE, BAYARD VELLER and DENNIS KING at Sardi's for lunch yesterday.

WILLIAM F. RODGERS, T. J. CONNORS, TED O'SHEA, JOHN W. HICKS, HARRY BRANDT, and MAX A. COHEN lunching yesterday at Nick's Hunting Room in the Astor.

Resolution of AFM To Back Neely Bill

PHILADELPHIA, June 3.—A resolution calling for the American Federation of Musicians to support the Neely block booking bill will be introduced by A. Rex Riccardi, secretary of Local 77 here, at the Federation convention next Monday in Indianapolis. Riccardi disclosed that the resolution, which has the support of other member locals, calls for active lobbying in support of the bill.

Riccardi indicated that a resolution is being framed directed at Warner. The union has been on strike against the theatre circuit for the past six months. Thomas J. Williams, Federal labor mediator in the local impasse, said that all efforts at this time to arrange a meeting with both parties are futile, Frank Phelps, Warner labor relations head, desiring to wait until after the A.F.M. convention.

Carolina Exhibitors To Convene Monday

CHARLOTTE, N. C., June 3.—Plans have been completed for the Summer convention of the Theater Owners Association of North Carolina and South Carolina, to be held at the Ocean Forest Hotel, Myrtle Beach, S. C., next Sunday, Monday and Tuesday. Approximately 300 are expected.

Ed Kuykendall, president of the M.P.T.O.A., will be the chief speaker. President H. R. Berry of Hartsville, S. C., will preside. One of the chief topics will be proposed national film legislation. There will be a banquet Monday night.

B. M. Achtenberg Dies

KANSAS CITY, June 3.—Benjamin M. Achtenberg, 56, attorney and one of the owners of the Regent, downtown subsequent run house, died late last week at Menorah Hospital following a heart attack.

B&K Buys Howard

CHICAGO, June 3.—Balaban & Katz has purchased the Howard from Lester Retchin, who will continue as manager. The reported price is about \$200,000.

George Jessel Ill

HOLLYWOOD, June 3.—George Jessel is ill at his home here, having suffered a stroke which paralyzed one side of his face.

Coast Flashes

HOLLYWOOD, June 3.—Walter B. Cokell, Paramount treasurer at the studio the last two and a half years, has been transferred back to New York. Activities that cannot be handled from New York will be divided between A. C. Martin and Charles Boren at the studio.

Herbert J. Yates and Judy Canova planed out today for Republic's regional sales meeting in Memphis, opening tomorrow.

Columbia has signed with Robert Sherwood Productions, Inc., for the release of its first film, "Legacy," from a Charles Booner novel. Warner Baxter will have the lead. Gregory Ratoff has been borrowed from 20th Century-Fox to direct. Sherwood is not the playwright, but a radio producer.

Dario Faralla today signed George O'Brien for six films featuring the Jack London character, "Smoke Believ." Faralla is seeking a major release. His last work was a series of Spanish-language films for Paramount.

Heymann Due Monday

Andre R. Heymann, head of French Cinema Center, arrives from France on the *Manhattan* next Monday following negotiations for the distribution here of foreign films. While abroad, Heymann acquired the rights to 10 French productions.

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(Hollywood Reporter)

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(Neil Rau, L. A. Examiner)

(Daily Variety)

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(Edwin Schallert, L. A. Times)

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(Jimmy-Starr, L. A. Herald-Express)

THE EYES!"

FLASH! "ANOTHER SCREEN STAR IS BORN
—EUGENIE LEONTOVICH IN 'FOUR SONS'. SHE'S
TERRIFIC. SO ARE THE SONS. SO IS THE PICTURE.
IT'S THE BEST THING DON AMECHE'S EVER DONE
ON THE SCREEN."
—Hedda Hopper



Exhibitor Support Is Vital: Montague

(Continued from page 1)

ing substantial increases in its production budget for the new season, "is putting its entire resources" into a program designed to merit greater consideration from American exhibitors than ever before. With the bulk of foreign revenue lost to the producing-distributing companies, production investments such as are being undertaken during the new season cannot be continued without the wholehearted cooperation of the American exhibitor, Montague said.

"Exhibitors should realize," he declared, "that the producers' and distributors' problem really is their problem as well. We are depending on the cooperation of the American exhibitor to enable us to continue the development of the company, its product and its service to its accounts."

Many of the 125 home office and Western sales representatives who will attend Columbia's four-day convention here arrived today, with the remainder scheduled to arrive early tomorrow. The meeting will be opened by Jack Cohn, vice-president, tomorrow. Montague will preside at the sessions thereafter and will detail the company's new season's lineup at tomorrow's meeting.

He will announce 44 features, four more than for the current season; 16 westerns, four serials and 130 short subjects.

The first of two regional meetings, the sessions here will be followed by a final meeting in Atlantic City, June 11-14, for the Eastern sales force.

'Torrid' at \$7,500; Providence Is Dull

PROVIDENCE, June 3.—"Torrid Zone" and "Girl in 313," paired at the Majestic, drew \$7,500. The week otherwise was dull.

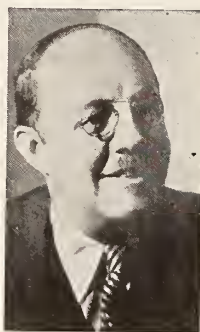
Estimated takings for the week ending May 29-30:

"Irene" (RKO) (5 days)
"Alias the Deacon" (Univ.) (5 days)
"My Favorite Wife" (RKO) (2 days)
"The Saint Takes Over" (RKO) (2 days)
RKO-ALBEE—(2,239) (25c-35c-50c). Gross: \$6,800. (Average, \$6,000)
"Edison the Man" (M-G-M)
"The Lone Wolf Meets a Lady" (Col.)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$11,000. (Average, \$11,000)
"Torrid Zone" (W. B.)
"Girl in 313" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$7,000)
"The Biscuit Eater" (Para.)
"The Trail of the Lonesome Pine" (Para.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$3,600. (Average, \$6,000)
"La Conga Nights" (Univ.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Stage show with Slim Timblin and Company; Four Kanazawas; Dorn Brothers and Mary; Three Del Rios; Gil and Bernice Mason. Gross: \$5,200. (Average, \$6,500)
"Dr. Kildare's Strange Case" (M-G-M)
"One Million B. C." (U. A.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,500. (Average, \$3,500)
"Dr. Ehrlich's Magic Bullet" (W. B.) (3 days)
"Adventure in Diamonds" (Para.) (3 days)
"My Son, My Son" (Univ.) (4 days)
"It's a Date" (Univ.) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,700. (Average, \$1,700)

'Safari' Premiere Set

PROVIDENCE, June 3.—Premiere of Paramount's "Safari," starring Madeleine Carroll and Doug Fairbanks, Jr., will be held here Thursday at the Strand. The premiere will also mark the celebration of the theatre's 25th anniversary and that of its managing director, Edward L. Reed.

At Columbia's Chicago Sales Convention



JACK COHN
Vice-President
of Columbia



ABE MONTAGUE
General Sales
Manager



J. A. McCONVILLE
Foreign Sales
Manager



RUBE JACKTER
Assistant Sales
Manager



LOUIS ASTOR
Circuit Sales
Supervisor



L. WEINBERG
Circuit Sales
Supervisor



M. WEISFELDT
Short Subject
Sales Head



M. BERGMAN
Advertising and
Publicity Head

New Merian Cooper Film Is Shrouded in Secrecy

HOLLYWOOD, June 3.—MERIAN C. COOPER's next production for M-G-M goes before the cameras this month, and its content is closely guarded. COOPER, famed for his "King Kong," "Son of Kong," "Grass" and other productions, will have as his locale a land of huge birds, capable of carrying men. The film is tentatively titled "War Eagles," and a new title is being sought.

First shooting will be on the miniature work.

LOU IRWIN is expanding his talent agency staff to concentrate on development of new talent. Recent additions to his staff include Mrs. ELSE VON KOCZIAN, former story editor and literary scout for Universal in Europe, who assumes charge of the story department; TED WILK, formerly of *Film Daily*, who joins the talent department to take charge of IRWIN's publicity and advertising.

B. P. SCHULBERG's first production under a new deal for Columbia release is "He Stayed for Breakfast," which stars LORETTA YOUNG and MELVYN DOUGLAS. There are rumors that Schulberg's proposed film, tentatively, titled "Blitzkrieg," has been postponed indefinitely. . . . Paramount's contract with ROBERT BENCHLEY for six shorts for the new season stipulates that they will be made at the Long Island studio by a staff headed by LESLIE ROUSCH, director, and JUSTIN HERMAN, adapter. BENCHLEY will provide the stories.

ARTHUR HORNBLow, JR., will plane to Randolph Field, Texas, to get local

color for his next Paramount production, "I Wanted Wings," written by LIEUT. BIERNE LAY, JR. . . . BLANCHE YURKA and BOB STEELE have been set for roles in "City for Conquest" at Warners. . . . Warners will star EDWARD G. ROBINSON in "The Sea Wolf," JACK LONDON story, and OLIVIA DE HAVILLAND and JEFFREY LYNN will have romantic leads. LLOYD BACON will direct from an ABEM FINKEL screenplay. . . . Three majors are bidding for "Gentleman Jim," autobiography by JAMES J. CORBETT published in the *Saturday Evening Post* and which LOU IRWIN is handling. . . . SOL LESSER's "Our Town" opens June 12 at the Four Star theatre here, following "Rebecca."

NANCIE McLAINE, 18, harpist, and OLIVER PREVORT, 17, violinist, will be given roles by ANDREW L. STONE in Paramount's "Interlochen" . . . KURT BERNHARDT instead of WILLIAM K. HOWARD will direct Warners' "The Secret Army," due to a studio decision to rush the picture through for early showing. HOWARD will be busy on "Money and the Woman" at that time. . . . "You Can't Escape Forever" is the new title for "The Sentence," Warners' featuring GEORGE BRENT, VIRGINIA BRUCE and RICHARD BARTHELMMESS. . . . ANN RUTHERFORD, LEE BOWMAN and MARJORIE MAIN have been added to the cast of M-G-M's "Wyoning," which RICHARD THORPE will direct.

With DICK POWELL and ELLEN DREW starring, Paramount has cast

RAYMOND WALBURN in a featured role in "The New Yorkers." PRESTON STURGES will direct from his screenplay, and PAUL JONES will produce. . . . WILLIAM ORR, impersonator, may be starred in Warners' new version of "Harold Teen," from the comic strip by CARL ED. HAL LE ROY in 1933 played the title role for Warners. . . . HAL YATES is writing the new script. . . . FRANK CRAVEN joins the cast of Warners' "City for Conquest."

FRANK FAY draws the role of a priest in RKO's as yet untitled CHARLES LAUGHTON-CAROLE LOMBARD picture. . . . The same studio is seeking FAY WRAY for a series of pictures. . . . JOHN PAYNE and MARV BETH HUGHES will have romantic leads in 20th Century-Fox's "The Great Profile" . . . Republic has purchased SIDNEY SANDERS' original for "Young Bill Hickok" . . . IRENE RICH joins Columbia's "Gribovitch" cast. . . . FRANK McHUGH has been given the comedy lead in Warners' "City for Conquest" . . . Republic has purchased the JOHN J. STEIN and GRACE HAYWARD story of the life of TEXAS GUINAN for "The Roaring Forties" . . . SAMUEL GOLDWYN has loaned VIRGINIA GILMORE to RKO for the feminine lead in "Laddie," GENE STRATTON PORTER story.

Raise 'Heaven' Prices

PHILADELPHIA, June 3.—The Earle will return to a reserved seat policy for the Eastern premiere of "All This And Heaven, Too," starting June 14. The same policy as for "Gone With the Wind" will prevail, running continuous during the day at the increased 75-cent admission and a single evening performance with reserved seats at \$1.14.

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Your pictures are much better than they were, Mr. Williams. What have you been doing?"

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"I notice the color features are better, too. They're perfectly natural now. Why is that?"

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U. S. Demands Monopoly End As Trial Opens

(Continued from page 1)

phases of the Government's anti-trust policy and of showing that the film industry suit was properly part of that policy. The efforts of the Government had been consistently directed towards freeing the channels of industry from restraint and the present suit was in accord with those efforts, Arnold declared.

Williams asserted that "only national relief on a national scale" could correct abuses in the motion picture industry. Efforts by the Department of Justice to adjust individual complaints with the defendants had proved unsatisfactory by 1936, he stated.

Williams traced the history of the film industry and outlined the Government's contentions as to how trade practices and usages arose. Williams stated that the era of monopoly in the film industry began when Adolph Zukor led Famous-Players-Lasky into exhibition.

Thacher Denies Monopoly

Thacher argued that the industry's "amazing accomplishments" could only have resulted from intense competition. He said there "was no foundation whatsoever to the charges of monopoly."

The Government will no longer be acquiescent to the growth of monopoly and could not allow "a few groups" to dominate the film industry, Arnold stated.

One result of integration, Arnold continued, was "notorious waste" in the film business; another, "that it creates a situation where an individual is not free to bring in new ideas." Frequently, Arnold reiterated that monopoly was the result of a "private seizure of industrial power."

Williams, following Arnold, revealed that the Government intended to bring in as witnesses a number of men who had been active in the industry at its very beginning.

Williams Discusses Patents

A portion of Williams' statement was devoted to the growth of mechanical perfection in the camera and projector and the alleged early efforts of companies to obtain a monopoly in certain patents. Williams then launched into his explanation of how integration grew from Zukor's theatre purchases.

Other production companies at that time feared that Zukor would cut their market and were compelled to purchase theatres for protection, Williams contended. This directly led to the acquisition of production facilities by companies which feared the threat to their supply of product, he continued. Vertical integration, objected to by the Government, resulted from these acquisitions, Williams added.

Discussing production, Williams claimed that talent loans between the majors "were nothing more than pooling arrangements" and that they had their origin in a desire to perpetuate the monopoly. In the early days, Williams said, efforts to control the market were directed to signing up all available stars on long term contracts.

Theatre circuits arose, Williams stated, with the idea of forcing pro-

Defense Counsel at Trust Trial

Trial counsel for the corporate defendants in the Government's anti-trust suit:

Paramount: Thomas D. Thacher, Albert C. Bickford, Austin Keough, Louis Phillips, Irving Cohen, Richard Jones, Morgan Callahan, Walter K. Walker, Samuel Boverman.

RKO: William J. Donovan, Granville Whittlesey, Jr., John Howley, William Zimmerman.

KAO: Monroe Goldwater, Jerome Strumpf.

Loew's: John W. Davis, Edward C. McLean, L. E. Bunker, Tyree Dillard, Jr., C. Stanley Thompson.

Warner: Robert W. Perkins, Joseph Proskauer, J. Alvin Van Bergh, Howard Levinson, Harold Berkowitz.

Fox: Ralph Harris, John F. Caskey, Frederick Pride, E. Myron Bull, Charles F. Young.

Chase National Bank: Bertram Shipman.

Columbia: Louis D. Frohlich, Herman Finkelstein, Irving Moross.

Universal: Edward C. Raftery, Adolph Schimel.

United Artists: Edward C. Raftery, Benjamin Pepper.

ducers to grant licensing terms for pictures. These circuits have promoted the concentration of buying power to such a degree that the Government has instituted a number of anti-trust suits to test the legality of this concentration, Williams explained.

Whether the division of theatre territory between the five producer-exhibitor companies was "by design or by chance" does not concern the court, Williams declared. Williams employed a huge map of the United States to illustrate his contention that the defendants had allotted to each other sections of the country in the exhibition field.

First-Run "Division"

Territory division "effectively excludes" independent exhibitors from competing with affiliated houses, the speaker continued. Another result of this division is the assurance to affiliated houses that they will receive first-run product.

Because of the defendants' "economic power," and their mutual cooperation, affiliated houses "almost automatically" obtained first-run on films in the 36 "key cities" of the country, Williams asserted. Independents in these cities had been relegated to an inferior position without regard to the importance of their houses, he said.

Columbia, Universal and United Artists had been made defendants in the suit because "they had joined with producer-exhibitor companies" by making their product available first to affiliates. These three defendants "may be reluctant participants to these practices, but they have indulged in them and that is why they are defendants," Williams said.

"Desirable Product Scarce"

Williams contended that "desirable product" was scarce in the industry because independents had been discouraged from producing films. He also claimed that affiliates were favored by receiving selective contracts "which are the direct opposite of block booking."

At the opening of the trial, Williams read a preliminary statement in to the record to the effect that both sides had waived objections to the qualifications of Judge Goddard. The question had been raised in March, Williams said, when it was learned that Judge Goddard's wife owned the "Trenton" Theatre in Lynchburg, Va. Subsequently, Williams added, the Government had been informed that a former lessee of the theatre, J. B. Trent, was a complaining witness. Both sides renewed their waivers after Williams completed his statement.

Green Praises IA For Loyalty to AFL

(Continued from page 1)

and the C.I.O. to attract the I.A. membership, and attacks by Westbrook Pegler in his syndicated news column.

The convention will last all week. At the opening session, Delegates were welcomed by Mayor Joseph D. Scholtz and by a representative of Gov. Keen Johnson. Other speakers included the president of the Kentucky Federation of Labor and the president of the Louisville Central Labor Council.

Opposition to George E. Browne, I.A. president, for reelection, if any, was kept under wraps today. I.A. officials appeared confident the entire slate, with the exception of John Nick, of St. Louis, will be returned to office, with Harlan Holmden, Cleveland, succeeding Nick as first vice-president and Felix Snow of Kansas City to be elected seventh vice-president.

Scheduled to speak tomorrow is Matthew Woll, A.F.L. vice-president, on group insurance for the entire I.A. A Committee of 60 is considering action on adoption of the group insurance. Browne's report also is scheduled for tomorrow.

'Russell' Is Detroit Smash with \$25,000

DETROIT, June 3.—"Lillian Russell," coupled with "The Jones Family on Their Own," grossed \$25,000 at the Fox. At the Palms "Typhoon" and "Dr. Kildare's Strange Case" drew \$8,500.

Estimated takings for the week ending May 30:

"The Man With Nine Lives" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Virginia City" (W. B.)
"Slightly Honorable" (U. A.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,500. (Average, \$6,000)
"Lillian Russell" (20th-Fox)
"The Jones Family on Their Own" (U. A.)
FOX—(5,000) (20c-55c) 7 days. Gross: \$25,000. (Average, \$15,000)
"Torrid Zone" (W. B.)
"Saturday's Children" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$12,000. (Average, \$12,000)
"Typhoon" (Para.)
"Dr. Kildare's Strange Case" (M-G-M)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$8,500. (Average, \$7,000)
"Waterloo Bridge" (M-G-M)
"Saps at Sea" (U. A.)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$8,500. (Average, \$10,000)

J. M. Schenck To Face Trial In Tax Fight

(Continued from page 1)

ment that Schenck gave \$100,000 in cash and \$50,000 in 20th Century-Fox stock to Willie Bioff, Hollywood representative of the I.A.T.S.E.

This indictment also charges Schenck with making 10 false answers when he was questioned about this deal in 1938 by James A. Ronayne, special agent of the Internal Revenue Intelligence Unit.

Schenck Replies

Following notice of the indictments, Schenck issued the following statement:

"Income tax problems are always complex and subject to dispute. The charges made against me are grossly unfair.

"Two of the best auditing firms in New York, Boyce, Hughes and Farrell, and Webster, Horne and Blanchard, after a recent audit, have advised me that for the years in question I have overpaid rather than underpaid my taxes. Mr. Hughes is the former president of the American Society of Certified Public Accountants and Mr. Webster is the Chairman of the Board of Examiners of the New York State Certified Public Accountants.

"The claim that I made a false statement to a Government agent about another person's tax is not true. "I am confident that when all the facts are finally determined full vindication will result."

B'way Gross Fair Despite Weather

(Continued from page 1)

show opened big at the Music Hall, grossing an estimated \$70,000 for its first four days, and it will be held over. At the Roxy "Lillian Russell" with a stage show drew an estimated \$17,500 for the first three days of its third week. "Four Sons" will follow on Friday. Also in its third week, "Torrid Zone" with Sammy Kaye's band on the Strand stage drew \$14,000 for the first three days. "Brother Orchid" will open there Friday.

"Typhoon" with Charlie Barnet's band and Tony Martin on the stage took an estimated \$12,000 at the Paramount over the weekend and should finish its second week tonight with an estimated \$33,000. "The Way of All Flesh" opens there tomorrow. "The Saint Takes Over" grossed an estimated \$9,500 in eight days at the Rialto, with "La Conga Nights" due today. At the Globe "Flight Angels" grossed an estimated \$5,500, while a revival of "Confessions of a Nazi Spy" opened on Saturday and drew an estimated \$2,800 over the weekend.

Managers Are Shifted

KANSAS CITY, June 3.—Lee Sproule, Kansas theatre operator, has named Roy Taylor manager of the Mac, McPherson, Kan. Ray Roberson, who formerly managed the Rex at Newton, which Sproule now will handle personally, has been shifted to the Ritz, Winfield, Kan., to succeed Taylor.

Studios Finish Ten Films; 40 Now Shooting

HOLLYWOOD, June 3.—Forty pictures are before the cameras this week, as 10 finished and six started. Twenty-seven are in the preparation stages, and 74 are being edited.

The tally by studio:

Columbia
Finished: "Blondie Has Servant Trouble," "Military Academy."
In Work: "Arizona," "Five Little Peppers at School," "The Howards of Virginia," "Gribouille," "He Stayed for Breakfast."

Started: "The March of Crime," "The Pinto Kid."

M-G-M
In Work: "Boom Town," "Strike Up the Band," "I Do," "Escape."

Monogram
Finished: "Boom Town Killer."

Paramount
Finished: "Comin' Round the Mountain."

In Work: "Rangers of Fortune," "Mystery Sea-Raider," "Rhythm on the River," "Victory."

Started: "The New Yorkers."

RKO
In Work: "Lucky Partners," "Dance, Girl, Dance," "Men Against the Sky," "One Crowded Night."

Republic
Finished: "Scatterbrain."
In Work: "Girl from God's Country," "Carolina Moon."

Roach
In Work: "Captain Caution."

Edward Small
In Work: "Kit Carson."

20th Century-Fox
Finished: "The Bride Wore Crutches."

In Work: "Brigham Young," "The Return of Frank James," "I Married a Nazi," "Charlie Chan in the Wax Museum," "Ghost of The Cisco Kid."

Universal
In Work: "Junior G-Men," "Spring Parade," "When the Daltons Rode."
Started: "The Mummy's Hand."

Wanger
Finished: "Foreign Correspondent," "The Long Voyage Home."

Warners
Finished: "The Life of Knute Rockne."

In Work: "They Drive by Night," "No Time for Comedy," "The Man from Fleet Street," "River's End," "City for Conquest."

Sig Neufeld
Finished: "Hold That Woman."

'Typhoon' \$6,400, Omaha Takes Slow

OMAHA, June 3.—"Typhoon" at the Omaha led with \$6,400. Warm weather and opening of the annual racing season hurt.

Estimated takings for the week ending May 29-30:

"Torrid Zone" (W. B.)
"Babies for Sale" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days.
Gross: \$4,600. (Average, \$4,000)
"Typhoon" (Para.)
"Nights of Nights" (Para.)
OMAHA—(2,000) (25c-40c) 7 days. Gross: \$6,400. (Average, \$6,000)
"Raffles" (U. A.)
"Stardust" (20th-Fox)
ORPHEUM—(3,000) (25c-40c) 7 days.
Gross: \$6,200. (Average, \$7,200)

Hollywood Reviews

"Susan and God"

(M-G-M)

HOLLYWOOD, June 3.—Made with manifest regard for the M-G-M tradition of production values, "Susan and God" is a screen transcription of the Rachel Crothers stage play which starred Gertrude Lawrence. In that same role, that of a flighty young society matron whose discovery of a "new approach" to God eventually brings her back to an understanding of her own household, Joan Crawford gives a performance which evoked bursts of spontaneous preview-night applause.

Returning from a trip abroad, during which she has come under the influence of a cult, described as a religious movement, which believes in love for others and honesty as direct approaches to the Divine, never defined in terms of creed or sect, "Susan" (Miss Crawford) finds her husband drunk as usual, her child discontented. Her husband, Fredric March offers a pact—that she return to him and the household, to stay the summer. If, during the period, he takes a drink, she is to be free to get the divorce she wants.

He keeps his pledge, which includes a codicil to the effect that they are to be "good friends" only, but Susan remains aloof, save for rare intervals, one such including the glamorizing of her daughter, ably portrayed by young Rita Quigley. At the end, Susan realizes that in her attempts to provide the key to happiness for others she has overlooked herself and those nearest to her, and asks for another chance just as her husband is about to go off with a girl who's always loved him.

As sophisticated and adult as its theme is the work done by the film's cast, which includes such performers as Ruth Hussey, John Carroll, Rita Hayworth, Nigel Bruce, Bruce Cabot, Rose Hobart, Constance Collier and Marjorie Main.

Never irreligious, the screenplay by Anita Loos portrays the problems and foibles of a particularized group in the same brittle and casual fashion as that group itself uses in dealing with religion. The word "God" occurs frequently in dialogue. Of interest to the exhibitor is the obvious comparison: "Susan and God" brings to religion and the basic family unit the same approach that "The Women" brought to marital relations and the family unit.

As was "The Women," this picture was directed by George Cukor and produced by Hunt Stromberg.

The preview-night audience, composed primarily of press and professional adults, found the story, its interpretation, direction and production, greatly to their liking, and expressed approval throughout the course of the film.

Running time, 115 minutes. "A."

W. S.

*"A" denotes adult classification.

"Safari"

(Paramount)

HOLLYWOOD, June 3.—Strictly as suggested by its title, "Safari" tells a story of African adventure, inclusive of the dangers commonly associated with exploration of the Dark Continent. It tells also the story of two men and a woman they both want, the characters of all three revealed as undergoing change with each passing day in the jungle. Madeleine Carroll, Douglas Fairbanks, Jr., and Tullio Carminati play these top roles with compelling effect, while Lynne Overman as a Scottish trader and Billy Gilbert in a characteristic assignment supply telling comedy relief.

Carminati is seen as a wealthy sportsman arriving at an African port for hunting with Miss Carroll aboard as a young woman who, her sweetheart having perished in the war in Spain, is frankly interested in him for the economic security he seems to represent. Fairbanks is employed as manager of the Carminati safari and falls in love with Miss Carroll, who displays interest in him, at first, for purposes of making Carminati jealous, discovering, when Fairbanks is wounded by a lion, that she is genuinely in love with him. They eventually realize the emotion is mutual.

Edward H. Griffith's direction is straightforwardly effective and the Delmar Daves script sticks closely to story lines. Production is by Anthony Veiller, a smoothly rounded job.

Running time, 80 minutes. "G."

ROSCOE WILLIAMS

*"G" denotes general classification.

Miss Sullavan Signed

HOLLYWOOD, June 3.—Margaret Sullavan has been signed by David Loew and Albert Lewin to co-star with Fredric March in "Flotsam," for United Artists release. John Cromwell will direct.

Set Slot Machine Films

HOLLYWOOD, June 3.—Production by Globe Productions of slot machine films will start within 10 days, according to Henry Henigson, producer. James Roosevelt has no intention of leaving the company, it was indicated.

Opponents of Neely Bill End Testimony, Refuting Charges

(Continued from page 1)

competition, Keough testified that affiliated and non-affiliated chains are required to meet the same provisions as are independents with no more right of rejection, cancellation or selectivity than the latter, and that there are independents enjoying a higher degree of selectivity than their affiliated competitors.

He defended the companies against the charge that they fixed admission prices by pointing out that the Miller-Tydings Fair Trade bill extended to producers the right to set prices.

Keough referred to the testimony of Henry A. Atkinson of Boston, who had testified for the M. P. Research Council, that there would be little litigation on synopses because the companies "will find it not worth the while" and will make adjustments.

Hints at "Polite Blackmail"

"That tells the story," he declared. "The distributor will not get his contract performed and will not sue because it is too much trouble or too expensive, but will make adjustments. These, of course, will be dollars and cents adjustments. What an instrument for polite blackmail!"

In self-defense, he added, the companies would be forced to complete pictures before selling them which, he said, "is not impossible but it is highly impracticable." Under such conditions, he added, the cost of producing and marketing will increase and "the exhibitor will not know from week to week what merchandise he will have in his theatre." The price-differential provision of the bill forms another stumbling block, he continued. He said he, himself, would be unable to advise his company's sales managers how to avoid violating the price provisions of the bill. The price provision, he said, leaves the companies wide open to exhibitor suits charging "coercion."

Final session of the 17-day hearing will be held tomorrow, with the presentation of rebuttal by Atkinson and Abram F. Myers of Allied for the proponents.

NOTICE!!!

The Motion Picture

"SCREAM IN THE DARK"

featuring LON CHANEY, JR.
and SHEILA TERRY

is the property of the undersigned.

Someone has obtained a dupe and a cutting print and is offering this picture for distribution. It has been also offered under the titles of:

"SHADOWS OF THE ORIENT"
and "MURDER IN MOROCCO"

No distribution rights have been granted to anyone and all persons will be held accountable for infringement on same.

Fidelity Securities Corp.
5823 Santa Monica Boulevard
Hollywood, Calif.

Harry Lewis, Attorney
1501 Broadway, N. Y. C.

New Setback On Standards In Television

WASHINGTON, June 3.—Television interests who were hopeful that there might be an early settlement of standards and commercialization by agreement among manufacturers received another setback today when F.C.C. Chairman James L. Fly warned that the Commission will not allow commercial interests to influence engineering opinion on standards for television.

The most recent F.C.C. order denied commercialization until the manufacturers could agree among themselves on the most desirable system.

Asserting that the Commission is ready to aid in the development of television by expanding experimental telecasting facilities, Fly declared that the F.C.C. is "not encouraging" any agreement on engineering standards so that the commercial interests may get the benefit, and that the primary element of concern is that of performance.

Both RCA and the Allen B. DuMont Laboratories, the principal contenders before the F.C.C. on the question of standards, favored early commercialization. With a Radio Manufacturers Association meeting scheduled for Chicago next Tuesday and Wednesday, it was believed that the manufacturers might make some move to settle their differences and win approval for commercialization early in 1941.

Demand Congress Probe Networks

WASHINGTON, June 3.—Congressional investigation of the "broadcasting trust" was demanded in Congress today by Rep. E. E. Cox on the ground that the networks need to have broadcast the Communist convention Browder speech yesterday.

The event has created something of a teapot tempest in Washington, Mrs. Franklin D. Roosevelt defending the broadcasters with the explanation that the Communist party is a political entity and as such entitled to all the privileges of the other parties. Cox admitted that any investigation ordered would have to wait until next session.

At the F.C.C., Chairman James L. Fly told a press conference that the subject of the Communist program was purely a matter for the legal division, and refused to make further comment.

Seven New Pictures Approved by Legion

The National Legion of Decency for the current week has approved seven new pictures, three for general patronage and four for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage: "Murder in the Air," "Our Town," "Phantom Raiders." Class A-2, Unobjectionable for Adults: "Gangs of Chicago," "The Lone Wolf Meets a Lady," "Queen of the Mob," "Women in War."

Off the Antenna

SPONSORSHIP of the Screen Actors Guild radio show by the Gulf Oil Co. next September will depend on the popularity of the Ellery Queen mysteries which are being used as the Summer replacement, according to Young & Rubicam, advertising agency handling the Gulf Oil account.

The mystery show is much less costly and its ratings have risen when most of the other programs showed a decline. Gulf Oil has an option on the renewal of the program but will not be called upon to make a final decision for several weeks.

M-G-M is definitely planning to return to the air with a radio show next fall, according to Louis K. Sidney, M-G-M radio head, who is in Hollywood. A search is now on for a sponsor, Sidney declared. The offer made by Maxwell House coffee has been rejected, he said.

In a cooperative venture with the New York Post, a radio newspaper printed by facsimile is being issued daily at the RCA exhibit at the New York World's Fair. The paper carries the Post's masthead and is edited by two of the paper's rewrite men, who condense the news. A complete issue is run off in 10 minutes, twice as fast as it could be done a year ago.

Taking its cue from the jingles now being sung as spot announcements for various sponsors, WNEW has put its station break announcements to music. Alan Kent and Austen Johnston made a recording of it and the record will be played each half hour.

Programs: CBS has decided to make its 10:30 P.M. war news period, which was started to cover the emergency, a regular feature Mondays through Saturdays. . . . General Mills has renewed "Gold Medal Hour" over NBC at 2 P.M. Mondays through Fridays for an additional year. . . . American Tobacco Co. has renewed Kay Kysner's "College of Musical Knowledge" over 97 NBC-Red stations for an additional 13 weeks, effective July 3. . . . Johannes Steel, WMCA commentator, is now also being heard over KMTR, Hollywood. Transcriptions are flown to the Coast.

Allen B. DuMont Laboratories has suspended its practice of renting television receivers to bars, restaurants and hotels. The suspension took place prior to the F.C.C. order on television. According to Mark B. LaJoie, general sales manager, production is so far behind sales that it has become necessary to stop renting receivers and concentrate on filling sales orders.

Paris offices of NBC were not bombed yesterday but windows were shattered when a German bomb dropped on a building nearby. Early reports stated that the building was damaged by a direct hit. In a transatlantic conversation with Paul Archinard, Paris correspondent, A. A. Schecter, NBC director of news and special events, learned that none of the staff was injured although considerably upset.

Purely Personal: Jack Miles, NBC trade news editor, has resigned to join the World-Telegram. . . . Joseph V. Heffernan has joined the RCA law department as assistant general counsel. . . . Emil Corwin, NBC photo editor, has turned producer for his alma mater, Massachusetts State College. He will produce a half-hour show with Hugh P. Baker, college president, interviewing graduates of 1915, '20, '25, '30, '35 and '40.

Halt Mobile Bingo Pending Decision

MOBILE, Ala., June 3.—Local officials have ordered Bingo operation stopped pending the outcome of a lottery charge against Ricardo Montiel, Saenger Theatre manager, now pending in Circuit Court.

The lottery charge against Montiel is the outgrowth of Bank Night, formerly conducted at the theatre. Hearing of the charges was set by Judge David H. Edington for June 27 while Judge J. Blocker Thornton considers a defense motion to restrain prosecution on the grounds of discrimination.

Ban Bank Night Proxies

PITTSBURGH, June 3.—Bank Night is still a lottery although proxy cards are obtainable for theatre patrons unable to attend the award performance, Judge Frank E. Reader of Beaver County ruled in the case of the State and Strand, Aliquippa, Pa.

New Film Caption Service

Film Caption Service of New York has installed the new French de Brie machine for producing superimposed titles.

Shift Branch Personnel

DES MOINES, June 3.—A number of changes have been made at the M-G-M exchange here with the resignation of Frank Gaskell as first booker. Woodrow Scherill of the Kansas City exchange, has come here as first booker; Burd Shunow, second booker, has gone to the Kansas City office and Gerald Banta, former assistant shipper, is now second booker.

'Maryland' Opening Set

Premiere of "Maryland," 20th Century-Fox color film, has been set for July 10 at the Centre and New Theatres in Baltimore. A civic celebration in which Governor O'Connor of Maryland will participate is planned.

RKO Signs Lorre

HOLLYWOOD, June 3.—Peter Lorre has been signed for two pictures at RKO by Harry Edington, executive producer.

Seattle Picnic June 26

SEATTLE, June 3.—The annual picnic of the Northwest Film Club will be held June 26. Committees and the place will be selected shortly.

NBC and MBS May Grosses Set Records

Gross billings for NBC and MBS continued at their record breaking pace during May with both networks recording the biggest May in their history and the largest cumulative amount for the first five months.

NBC's total for both the Red and Blue webs rose to a new high of \$4,034,622 for May, an increase of nine per cent over the same month last year, while Mutual's zoomed 37.2 per cent to \$322,186. Cumulatively for the first five months of 1940, the Red and Blue combined for a total of \$20,917,776, up 8.9 per cent over the same period last year, while MBS grossed \$1,731,843, a rise of 24.1.

During May, NBC-Red grossed \$3,216,940, up 6.3 per cent over the same month last year, while the Blue rose 20.9 per cent to \$817,682. For the first five months, NBC-Red grossed \$16,407,441, up 6.6 per cent, and the Blue grossed \$4,510,335, up 17.9 per cent over the same period last year.

Film Alliance Sets 1940-'41 Releases

"Fifth Column Squad," starring Barry K. Barnes, and "Murder, Inc.," starring Jack La Rue, have been set for June 10 and June 24 release, respectively, by Film Alliance of the U. S., leading the company's 1940-'41 lineup of 26 features and 12 westerns. Both are British productions.

"False Rapture," starring Otto Kruger, has been set for July 8 release, and "Hell's Cargo" for July 22. Thereafter, one film will be released every two weeks.

Pa. Theatres Face Outdoor Park Films

PHILADELPHIA, June 3.—Exhibitors in Eastern Pennsylvania are disturbed over the fact that the outdoor amusement parks, for the first time, are showing motion pictures. Features are being offered at the Dorney and Central near Allentown and the Rolling Green near Sunbury with at least three other parks making arrangements for the early exhibition of motion pictures.

RKO Disbands Art Unit in Cincinnati

CINCINNATI, June 3.—RKO's local theatre advertising art department, which has been functioning for approximately 10 years, has been discontinued as an economy measure.

E. V. Dinerman, director of advertising and publicity, with M. J. Whitmar, assistant, will prepare the newspaper and display copy for the local and Dayton houses in the future.

Form Television Firm

DOVER, Del., June 3.—Television and Engineering Co., Inc., has been formed here to deal in television with a capital of 200 shares of no par value. The incorporators are Frank T. Francis, Levering H. Gilpin, and Solomon H. Feldman, Washington, D. C.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47, NO. 110

NEW YORK, U. S. A., WEDNESDAY, JUNE 5, 1940

TEN CENTS

Columbia Lists 35 of 44 New Season Films

**Plans 16 Westerns, 130
Shorts, 4 Serials**

CHICAGO, June 4.—Thirty-five feature productions of the 44 scheduled by Columbia for new season release were identified by Abe Montague, Columbia general sales manager, at the opening session of the company's four-day sales meeting at the Blackstone Hotel here today.

In addition to the 44 features, Columbia also plans 16 westerns, four serials and 130 short subjects. This represents an increase of two feature productions over the schedule announced by the company for the current season. Numerically, the westerns, serials and shorts will be the same for the new season as for this season.

Columbia's production budget was not disclosed, but Montague told the meeting that it would be "larger than ever before" in order that the new season's schedule could represent greater production value to merit wider circulation and improved returns in the domestic market to

(Continued on page 12)

I. A. Membership Up To 43,437 Since '34

LOUISVILLE, June 4.—I. A. T. S. E. membership has increased from 23,000 to 43,437 since the organization's 1934 convention here, George E. Browne, president, said today in a report to the union's 35th biennial convention in session here.

Browne said that during the same six-year period the union's locals had increased from 698 to 831 and that its financial condition improved from \$105,893 to \$344,795.

The report included a defense of William Bioff, Browne's Hollywood representative, crediting him with securing "a 30 per cent increase in wages for studio I. A. members in a little over three and a half years." He added that, after the last increase had been obtained, Bioff tendered his resignation but the studio unions refused to accept it. Bioff also was defended by George M. Breslin, I. A. counsel on the West Coast.

Matthew Woll, vice-president of the A. F. of L., addressed the meeting. He is here primarily to work out with I. A. officials a plan for extending the A. F. of L. company's group life insurance benefits to I. A. members.

U. S. Victory in Suit Would Mean Monopoly: Thatcher

**Companies Will Disprove
Charges of Conspiracy,
He Tells Court**

If the Government wins its New York anti-trust suit, it will lead to monopolistic conditions in the film industry which do not exist now, former Federal Judge Thomas D. Thatcher, counsel for Paramount, yesterday told the U. S. District Court in the opening statement of the defense in the Government's anti-trust case.



John W. Davis

The defendants will prove that there is no conspiracy among them and no agreements to monopolize the business, he stated.

Thatcher went into great detail in elucidating the operations of the business from every angle, including production, distribution and exhibition. He delved into the history of the business for facts and laid them before the court.

"There is nothing in this industry that isn't characteristic of the strictest kind of competition among the companies," Thatcher told Judge Henry W. Goddard.

Thatcher completed his opening

statement after speaking all day. John W. Davis, attorney for Loew's, will speak today, with Ralph Harris of 20th Century-Fox following Davis.

He continued his exposition by declaring that Adolph Zukor inaugurated integration of the three branches of the industry in 1918 to prevent First National Exhibitors from obtaining control. If this integration, he said, is declared illegal, efforts to monopolize, similar to those of First National, may result.

Because it was impracticable to build a hundred theatres, Paramount turned to the purchase of circuits "in competition with other companies," Thatcher continued. At no time, he stressed, was there any agreement to divide theatre territories, and he challenged the Government to produce proof of its charges.



Ralph Harris

The tremendous amount paid for the production of pictures, the high salaries to personnel and the prices paid for stories and material by the major companies is "persuasive proof" that there is no monopoly in the film industry, Thatcher declared. The natural tendency of monopoly is to reduce costs and salaries, he stated, and the

(Continued on page 11)

Expect Neely Decision By End of Week

**Schaefer Calls Booking
Bill 'Un-American'**

Washington, June 4.—As hearings on the Neely block booking bill came to an end today after 17 days before the House Interstate Commerce Committee, Chairman Clarence Lea expressed the hope that he could obtain a decision on the legislation by a committee vote by the end of the week.

WASHINGTON, June 4.—The Neely block holding bill is "un-American" because it works "directly towards censorship of the screen," George Schaefer, RKO president, asserted in a statement submitted to the House Interstate Commerce Committee, which is considering the bill.

If passed as it stands, the bill would bring about pressure group censorship and give unfair advantage to the buyer as against the seller of film en-

(Continued on page 11)

British Film Trade Prepares for Raids

LONDON, June 4.—The Kinematograph Renters Society (distributors) met today with circuit representatives to study the booking and film transport situation in the face of possible traffic and telephone dislocation in the event of bombing raids on England. Emergency arrangements made last September at the outbreak of the war were put into shape for immediate use.

Meanwhile, the Cinematograph Exhibitors Association and the K. R. S., at separate meetings tomorrow, will formulate policies with respect to the imposition of the purchase tax on the industry shortly. The two trade bodies will meet jointly to seek an agreement for presentation to the Government. It is expected that the groups will urge the tax be passed on to patrons in the form of increased admissions.

Halting of U. S. Production In Britain Seen with Exodus

That an exodus of American film executives from London may have a serious effect on continued British production by American companies is seen by observers here.

Aboard the *President Roosevelt* en route here from Ireland with American evacuees and scheduled to arrive here Sunday are Ben Goetz, M-G-M British production head, and Robert T. Kane, in charge of British production for 20th Century-Fox, accompanied by their wives. Also on the boat are Joseph Friedman, European manager for Columbia, and Mrs. Friedman; Jeffery Bernerd, head of Grand National Films, London; Mrs. David Rose, wife of Paramount's British production chief;

Mrs. Francis L. Harley, wife of the managing director in Great Britain for 20th Century-Fox; Mrs. Robert Montgomery, whose husband has enrolled in the British ambulance service in France, and Howard Welsh.

Others are due on the *Manhattan*, scheduled to dock in New York next Monday, including Mrs. Robert Schless, wife of Warner's European manager, and their daughter. Schless is now on the Coast conferring with Harry M. Warner, president of the company, and it is probable that he will remain in this country.

Monty Banks, 20th Century-Fox director in England, and his wife, Gracie Fields, are en route from England on a Canadian boat.

RKO Stockholders' Annual Meet Today

RKO's first annual stockholders' meeting since its reorganization will be held at Dover, Del., today. No election of directors is scheduled inasmuch as the present board was designated for a two-year term with Federal court approval prior to the reorganization last year.

Stockholders will be asked to approve an amendment to the company's by-law authorizing the indemnification by the company of any officer or director against whom a judgment is obtained in any action resulting from performance of official duties.

George J. Schaefer, president; Richard C. Patterson, board chairman; William Merrill, vice-president; Gordon Youngman, counsel; Garrett Van Wagner, assistant treasurer, and J. Miller Walker, assistant secretary, will attend the meeting.

Engel Is Honored At Party in Albany

ALBANY, June 4.—Joseph J. Engel, former Universal branch manager here, was feted at the DeWitt Clinton Hotel yesterday before returning to Cleveland where he will work as special representative.

Engel was presented with a watch by Bernie Kranze, RKO branch manager on behalf of the Albany film exchange representatives. Speakers were M. A. Silver, Warners Theatres zone manager; Louis R. Golding, Fabian Theatres district manager, and George Tucker, RKO salesman.

Personal Mention

ED KUYKENDALL, M.P.T.O.A. president, who has been attending Neely bill hearings in Washington, will arrive here today.

CHARLES BOASBERG, new Eastern central district manager for RKO, and ELMER LUX, who succeeds him as Buffalo manager, arrived yesterday for home office conferences.

HARRY COHEN, Western district manager for RKO, will leave today for the Coast.

SOL LESSER, enroute to Hollywood, stopped over in Columbus, O., to visit his son, JULIAN LESSER, and family.

JEROME A. SIEGEL, son of HENRY SIEGEL of the Little Carnegie Playhouse, and JEANNE Y. SIEGEL, daughter of Mr. and Mrs. BENJAMIN SIEGEL, were married yesterday. The couple will honeymoon in Mexico.

JACOB LAVENE, manager of the Academy in Buffalo, is home from the hospital after several months' illness.

W. S. TOWER, Jr., Erpi special representative, has returned from a six-month stay in Argentina and Brazil.

WILLIAM J. HEINEMAN, ARTHUR KELLY, MAURICE BERGMAN, HANK LINET, ABE SCHNEIDER and WILLIAM FITELSON lunching at the Tavern yesterday.

TOM PETTEY, former press representative for Producers Association, is here from Hollywood to discuss with PM his new work as Hollywood correspondent for the publication.

CHARLES D. PRUTZMAN, LOU POLLOCK, LARRY WATERMAN, MORRIS ALIN, ANDY SHARICK and HANK LINET, all of Universal, attended the GLORIA JEAN fashion show at the Plaza last night.

ARTHUR SILVERSTONE, SEYMOUR POE and SAM COSMAN at Lindy's (next to the Rivoli) yesterday for lunch.

CHARLES SONIN, RUSSELL HOLMAN, ED SAUNDERS, CHARLES CASANAVE, MAX A. COHEN and ERNO RAPEE at Nick's Hunting Room in the Astor for lunch yesterday.

ARTHUR LOEW, CHARLES E. MCCARTHY, HERMAN WOBBER, HARRY RUBY, ROBERT BENJAMIN, ARTHUR KRIM, MORT SPRING, SIDNEY PHILLIPS, JOSEPH ROSTHAL, TONY MARTIN and EDDIE DOWLING lunching at Sardi's yesterday.

JOSEPH MOSKOWITZ, J. J. MILSTEIN, HAL HORNE, KAY KAMEN and JOSEPH PINCUS at Lindy's (51st St.) for lunch yesterday.

ADOLPH G. JOHNSON and AL ROBINS of the Strand, Hamden, Conn., have returned after a brief visit to Washington.

20th-Fox Wins Suit Brought by Soldier

Washington, June 4.—Justice James W. Morris of the District of Columbia Federal District Court today dismissed the \$1,000,000 suit against 20th Century-Fox brought by Robert H. Sheets, cavalry soldier, who claimed he wrote the scenario of "Road to Glory." After hearing the case for two months, the court found that Sheets copied the story from a fan magazine.

Warners, Radtke Sued Over Patent

Patent infringement suit against Warners, Radtke Patent Corp., Albert A. Radtke and Leonard Day was filed yesterday in Federal court by the Photometric Products Corp.

The action, which asks for an injunction and an accounting, claims that Radtke developed a patent called "Methods and Means of Optically Reproducing Sound" while in the employ of the plaintiff's predecessor company. The plaintiff contends the defendant allegedly conspired to deprive the plaintiff of the patent by assigning it to Radtke Patent Corp. According to the complaint, Erpi, the International Projection Corp., RCA and other companies are now paying royalties on the patent.

Producers Resume Labor Discussions

HOLLYWOOD, June 4.—Producers Association members today resumed discussions of problems created by labor negotiations. They agreed to set a date for a conference with A.F.L. studio union representatives later in the week, sent a reply to the Office Employees union which demands a closed shop contract for Central Casting Corp. employees, and discussed Screen Writers Guild contract demands.

N. J. Allied to Meet

Meeting, dinner and a "social evening" will be held by New Jersey Allied tomorrow at the Roger Smith Hotel, New Brunswick. Lee Newbury, president, will be in charge.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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CALIFORNIA TEXAS ★ ARIZONA

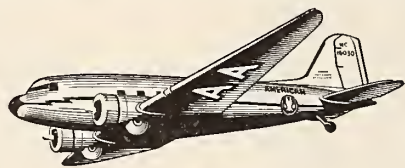
4 Flagships Daily Coast-to-Coast

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAVemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES

The Sun Country Special 7:00 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS



Bioff to Complete Six-Month Sentence

SPRINGFIELD, Ill., June 4.—The Illinois Supreme Court today struck the last appeal of William Bioff, I.A.T.S.E. Hollywood leader, now serving six months in Chicago on an old pandering charge.

Counsel for Bioff moved to dismiss a petition for a writ of error since the Court could not normally rule on it until the October term, by which time Bioff will have completed his sentence. The Court previously had refused to free Bioff on bail pending outcome of the appeal.

British Council Film Position to Kearney

LONDON, June 4.—Neville Kearney, who resigned recently as secretary of The British Film Production Association, has been appointed to direct the Film Department of the British Council.

The British Council is a semi-official body, Government sponsored, and to some extent Government controlled, one of whose prime objectives is British propaganda abroad. Kearney's appointment indicates an intensification of the use of the film as a means of British ballyhoo in foreign countries.

MOTION PICTURE STUDIO

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**HOW TO STAY
IN FRONT OF
THE 8-BALL!**

PREPAR



**M-G-M'S
SOCKO
SHOWS!**



“Nice work
Leo! We
depend on
you to keep
the nation
entertained!”

REDNEDNESS!

Here's
CHEERFUL news!
Your show-shop is
SECURE, Mr. Exhibitor,
Against all
Competition
RIGHT NOW
And
ALL SUMMER LONG!
Because M-G-M has
HITS! HITS! HITS!
And your public wants
AMUSEMENT
More than ever!
That's why we
SPENT A FORTUNE
For your
PREPAREDNESS!



(continue
please!)



"Without M-G-M there would
be no profits for me this year,"
says Mr. Exhibitor.

"Millions
for
preparedness"
says Leo!



**10 MILLION
DOLLARS IN
9 BIG M-G-M
SHOWS** right now
and all Summer!

NINE LIFE-SAVERS!



(current releases)

SPENCER TRACY
"EDISON, THE MAN"

★

VIVIEN LEIGH
ROBERT TAYLOR
"WATERLOO BRIDGE"

★

(in coming weeks)

JOAN CRAWFORD
FREDRIC MARCH
"SUSAN AND GOD"

★

MARGARET SULLAVAN
JAMES STEWART
Robert Young • Frank Morgan
"THE MORTAL STORM"

★

JEANETTE MACDONALD
NELSON EDDY
"NEW MOON"

★

"ANDY HARDY MEETS DEBUTANTE"

Mickey Rooney • Lewis Stone • Judy Garland

★

GREER GARSON
LAURENCE OLIVIER
"PRIDE AND PREJUDICE"

★

CLARK GABLE
SPENCER TRACY
HEDY LAMARR
CLAUDETTE COLBERT
"BOOM TOWN"

★

NORMA SHEARER
ROBERT TAYLOR
"ESCAPE"

LIFE SAVERS!

Brief Facts About 9 Great M-G-M Pictures!



Spencer Tracy has received the finest critical notices of the year and his box-office stature rises to even greater heights as "Edison, The Man" engagements enthrall the public with this truly magnificent entertainment.



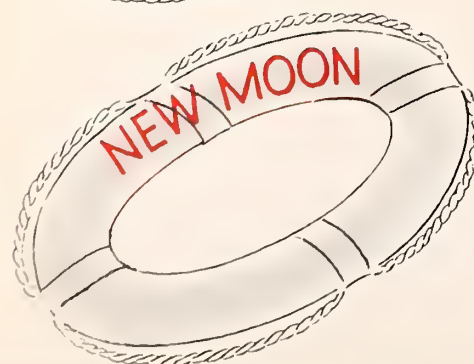
"Waterloo Bridge" one of the year's best films presents Vivien Leigh in another memorable role and brings to the public a new Robert Taylor. Box-office and public agree that it's his most appealing job. Three weeks at Capitol, N. Y.



Joan Crawford and Fredric March make a swell box-office combination in "Susan and God." Joan does a job that will delight all who loved her sensational role in "The Women." The famed stage comedy hit has been brilliantly produced in the M-G-M manner. A sensation at its Preview!



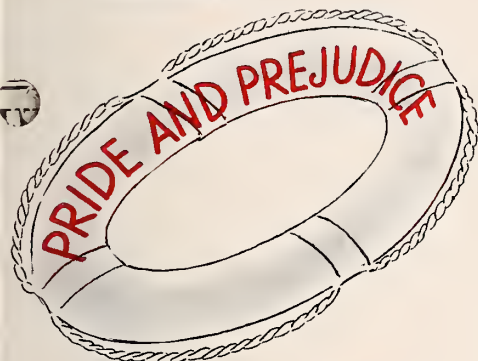
"The Mortal Storm" is excitement on the screen! M-G-M did such a swell job of the best seller that the author wrote: "I'm delighted." And what a cast: Margaret Sullavan, James Stewart are the sweethearts. Robert Young, Frank Morgan do great work. It's terrific!



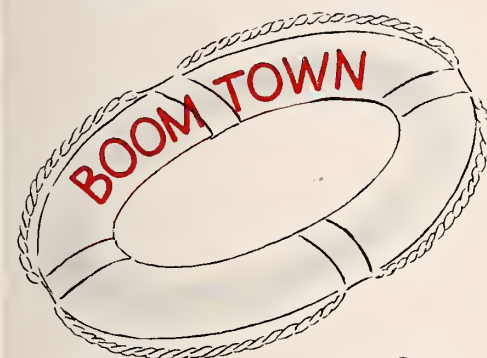
Of all the operettas in which Jeanette MacDonald and Nelson Eddy have appeared "New Moon" is musically and romantically the best! The public is ready for this type of scintillating attraction and M-G-M has made a great musical show for them. Previewed! And it's Perfect!



How marvelous that at this time when the public wants to forget troubles, M-G-M delivers the most uproarious of the entire Hardy series. "Andy Hardy Meets Debutante" has, in addition to Lewis Stone and Mickey Rooney, Judy Garland. It's finished and it's a sure HIT!



Just previewed before an audience that never stopped laughing in Riverside, Cal. "Pride and Prejudice" is without question a glorious audience attraction. Greer Garson (Mrs. Chips) will be famous all over again. Laurence Olivier co-stars. Fun and romance in a grand movie.



Clark Gable! Spencer Tracy! Hedy Lamarr! Claudette Colbert! Yes, they're all in one picture "Boom Town" and it's a powerful yarn of oil millionaires and their lives. Only M-G-M packs such a star-studded box-office wallop, and what a show it is!



Norma Shearer gets the prize role of the year, the fascinating Countess in the best-selling novel "Escape." Robert Taylor co-stars and the cast is hand-picked to assure that this will be one of the greatest of box-office attractions. Something to watch for!



HE TRUSTS TO LUCK!

This exhibitor faces coming months with no assurance of attractions big enough to cope with the competition of the season and the times.



THE WISE OWL SAYS:

M-G-M exhibitors know from past experience that M-G-M *plans* its production so that its customers are equipped with big pictures when things are toughest!

(over)



WE'RE NOT MAGICIANS!

There is no trick about M-G-M operations, which now assure you **preparedness** at the box-office. M-G-M is geared to be the leader of this industry by virtue of its experience, its resources and its personnel. Preparedness now and for the difficult Summer period meant careful planning months ago. Plus the willingness to invest 10 million dollars in entertainment to safeguard the theatre investments of our customers. No wonder that year after year exhibitors place their faith in the capable hands of **THE FRIENDLY COMPANY.**

Expect Neely Decision By End of Week

(Continued from page 1)

tainment, he said. It would add to the burdens of an industry now grievously affected by war and loss of foreign markets, he declared. It would not serve the public interest, it would cause chaos in the industry and substitute litigation for arbitration or conciliation between buyer and seller, he said.

Schaefer defended the present moral tone of films against those who favor the Neely measure. "This does not mean we have reached perfection but show me any other entertainment industry that can boast a better record," he declared.

"Right of Selection Exists"

Schaefer denied that the public does not exercise a right of selection at present and pointed to the fact that some films succeed while others "flop."

"Censorship," he said, "smells no better when it is called 'community selection.' The whole idea of community selection, in which self-constituted groups apparently would do the selecting, would reverse the philosophy of unity and freedom by which the community has become great. It would constitute private pressure for public good."

Specifically, Schaefer criticized Sections 3, 4 and 5. He questioned the good faith of those who testified for the bill, and contradicted testimony given by Sidney Samuelson on May 20 before the Committee. Schaefer asserted that arbitration and conciliation could come to the industry only from within. "There is not a single record in this country where any industry has been improved merely by legislative fiat," he said.

To prove that there was no "forcing" of the full line of RKO product, Schaefer cited the following record:

Cites RKO Contracts

"During the 1938-39 season, RKO offered 48 pictures. Contracts for the exhibition of the total number were 3,082; contracts for the exhibition of from 36 to 47 pictures amounted to 1,880; contracts for the exhibition of less than 36 pictures amounted to 4,578. Thus, more than 67 per cent of our contracts during the past season called for the exhibition of less than the number of pictures we had to offer, and 48 per cent of our contracts were for 36 pictures or less out of our total production of 48 pictures.

"Finally, there is the fact that in recent years most producers and distributors of motion pictures have granted exhibitors throughout the country a 10 per cent cancellation clause, of which the exhibitor can avail himself in the selection and elimination of films if he desires. Certainly if selection is the watchword of this legislation, the bill is unnecessary."

The final day was occupied by rebuttal of proponents of the measure, including Mrs. Mary T. Bannerman, National Congress of Parents and Teachers; Katherine Lyford of the Motion Picture Research Council and

'The Decree Sought in This Case Would Prejudice Public Interest,' Says Thacher

Thomas D. Thacher, Paramount counsel, yesterday concluded his opening statement for the defense by saying:

"The decree sought in this case would gravely prejudice the public interest. Certainly in no case which has ever been presented could it be said that the public has been so well served by the highly competitive efforts of those engaged in it. The decree sought would restrict and restrain these efforts in derogation of the public interest and solely in order to serve the interests of competing producers and exhibitors who desire the aid of the court not in serving the public but in restricting the activities of their competitors. This in brief is the defense theory."

Abram F. Myers, general counsel of Allied States.

Examination of Myers was halted by a House quorum call to which all members responded except Chairman Lea. A 55-page statement which Myers had begun to read was filed for the record and not read.

Myers, in his statement, reviewed the cancellation situation as seen by Allied exhibitors, and declared, "It is idle for the opponents to say that compulsory block booking is not practiced" because of cancellation privileges.

Guilds Hear Reports

HOLLYWOOD, June 4.—Directors of the Screen Writers and Screen Directors Guilds in separate meetings last night heard reports from their representatives who opposed the Neely bill at Washington hearings. Ralph Block addressed the writers and Edward Sutherland and George Stevens the directors.

Marcus Loew's and Famous Set Dividend

TORONTO, June 4.—Famous Players Canadian Corp., has declared a dividend of 25c per share on the outstanding common shares for the second quarter of 1940, payable June 29.

Marcus Loew's Theatres, Ltd., operating the Toronto Loew's, has declared a dividend of \$3.50 on the seven per cent cumulative preferred shares, this being applicable to the six months ending Dec. 31, 1938, leaving only one year in arrears, although the company had been considerably behind in payments two years ago.

U. A. Directors End Foreign Discussions

United Artists board of directors yesterday concluded a series of meetings held at intervals during the past two weeks for the purpose of discussing the effects of the war on the company's operations and future plans. Company officials declined to make any statement at the close of yesterday's meeting.

Philadelphia Managers Subpoenaed

The Government has subpoenaed the following Philadelphia exchange managers to testify in the New York suit concerning exhibition conditions in their area:

Frank L. McNamee, RKO; W. G. Mansell, Warners; Earl W. Sweigert, Paramount; George E. Schwartz, Universal; Robert Lynch, M-G-M; Harry G. Bodkin, United Artists; Sam Gross, 20th Century-Fox.

Also subpoenaed were Edgar Moss, 20th Century-Fox district manager, and Al Davis, Philadelphia sales manager; Ted Schlanger, Warner theatres zone manager, and Lester Krieger, zone buyer and booker.

Their testimony will be taken early in the trial. More than 40 exhibitors from the Philadelphia area have already been called as witnesses.

Monopoly In U. S. Victory, Says Thacher

(Continued from page 1)

high prices paid by the film industry refute the charge of monopoly.

Each defendant, Thacher continued, is confronted with the most vigorous competition and no effort has been spared to produce the highest quality pictures. The Government was proceeding on an entirely erroneous theory when it compared the film business with other commercial fields, Thacher said. In the film industry the copyright act protects the producer and all that is sold is the exclusive right to exhibit a film at a specified time, he continued.

States Reasons for Clearance

The Paramount counsel then explained the cost of prints and showed that this must act as a brake upon the distribution of films since producers otherwise would be faced with a distribution loss. Limitations imposed by the number of prints and the financial necessity of regulating first and subsequent runs are the "dynamic reasons" for providing adequate clearance, Thacher continued.

The defendants' proof will show that there have been no agreements between competitors to deal with each other, Thacher stated. "We will show that it could not have happened any other way with or without an agreement." The defendants had refused to stipulate with the Government on trade definitions because the Government totally misunderstood the setup of the entire film industry, Thacher stated.

As a matter of fact, Thacher added, there are many independent producers who make good pictures. There are a number of independent stars and studios which can be used by a freelance producer with sufficient capital, he said. Paul Williams, himself, has admitted, Thacher added, that a good picture can always find an outlet.

Business Highly Competitive

Thacher then proceeded to discuss the difficulties which Paramount faces in producing good films at a profit. Successful distribution, he said, means the proper handling of the intricate problems of booking playdates in keen competition with all other distributors. "There is no more competitive business in this country than the licensing of films," he added.

Paramount has always been at pains to treat its first-run and subsequent run customers fairly, and has attempted to straighten out all complaints about discrimination, said Thacher. It is not the function of a court under any law to determine whether an exhibition contract is discriminatory, providing there is no collusion, he declared. Paramount's \$72,000,000 investment in theatres is vital to the company and the revenue from these houses has frequently proved more lucrative than that of both distribution and production combined, he continued.

Judge Dudley and Henry Griffing, attorneys for the Griffith theatre interests, were spectators at the trial yesterday. Leopold Friedman was among attorneys present representing Loew's.

'Russell' at \$8,200 Leads Kansas City

KANSAS CITY, June 4.—"Lillian Russell" was the bright spot of the week for first runs, taking \$8,200 at the Esquire and Uptown. Carl "Deacon" Moore and his band, plus "A Chump at Oxford," gave the Tower \$7,800.

Estimated takings for the week ending May 27-30:

"Lillian Russell" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: \$3,400. (Average, \$2,500)
"Edison the Man" (M-G-M)
"Babies For Sale" (Col.)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: \$7,400. (Average, \$9,500)
"Biscuit Eater" (Para.)
"Adventure in Diamonds" (Para.)
NEWMAN — (1,900) (25c-40c) 7 days. Gross: \$4,300. (Average, \$7,000)
"My Favorite Wife" (RKO)
"Calling Philo Vance" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days, 3rd week "Wife." Gross: \$3,100. (Average, \$5,000)
"A Chump at Oxford" (U. A.)
TOWER—(2,200) (25c) 7 days. Stage: Carl "Deacon" Moore and his band, with Marge Hudson. Gross: \$7,800. (Average, \$6,000)
"Lillian Russell" (20th-Fox)
UPTOWN — (2,000) (25c-40c) 7 days. Gross: \$4,800. (Average, \$3,500)

'Mule Team' \$6,000 Is Cleveland's Best

CLEVELAND, June 4.—"20 Mule Team" grossed \$6,000 at Loew's Stillman, while "My Favorite Wife" was close behind at \$5,500 in its third week at the Allen. The weather was rainy.

Estimated takings for the week ending May 30:

"My Favorite Wife" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: \$5,500. (Average, \$4,000)
"Johnny Apollo" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: \$8,000. (Average, \$11,000)
"The Doctor Takes a Wife" (Col.)
RKO PALACE—(3,100) (30c-35c-42c) 8 days. Gross: \$8,500. (Average, \$9,000)
"Edison, the Man" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$11,000. (Average, \$11,000)
"20 Mule Team" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: \$6,000. (Average, \$4,000)

Columbia Lists 35 of 44 New Season Films

(Continued from page 1)

counteract the severe losses in foreign distribution.

On the company's producer list are Wesley Ruggles, George Stevens, John Stahl, Alexander Hall, Charles Vidor and many others.

The new season's schedule will include the following 35 productions and nine additional pictures to be designated according to acquisitions of new story properties and casting opportunities, Montague said.

"The Valorous Years," a Wesley Ruggles production, adapted from the A. J. Cronin novel by Claude Binyon.

A second Wesley Ruggles production.

"Royal Mail," starring Cary Grant.

Film Bromfield Novel

"The First Woman Doctor," a John M. Stahl production, starring Loretta Young and adapted by Lloyd C. Douglas.

"A Story of Old New Orleans," a George Stevens production, based on the novel by Louis Bromfield now in preparation and starring Jean Arthur.

"There They Go Again," starring Cary Grant and Rosalind Russell.

"Jane Addams of Hull House," starring Irene Dunne.

"Legacy," from the novel by Charles Bonner.

"Our Wife," from the play by Lillian Day and Lyon Mearson, starring Jean Arthur and Melvyn Douglas.

"The Vigilantes," with an all-star cast headed by William Holden, Virginia Bruce, Rita Hayworth and Warren William.

"This Thing Called Love," starring Loretta Young.

List Novel by James Hilton

"And Now Goodbye," from the James Hilton novel, starring Brian Aherne and directed by Charles Vidor.

"Three Girls About Town," starring Joan Bennett, Virginia Bruce and Constance Bennett.

"Senate Page Boys," from a story by Lewis R. Foster.

"Bedtime Story," starring Melvyn Douglas and Constance Bennett; to be directed by Alexander Hall.

"We Dare Not Love," starring Brian Aherne and Joan Bennett; to be directed by Charles Vidor.

"Canal Zone," a topical drama with director and cast to be named soon.

"The Devil Said No," starring Boris Karloff, and a second Karloff production.

"I Joined the Bund," director and cast to be named soon.

"Chain Gang," director and cast to be named.

"The New Frontier," a story of Alaska.

"Women Under 21," cast and director to be announced.

"Ocean Gold," a story of salvage ships.

Two "Tillie the Toiler" productions; three "Blondie" productions, with Penny Singleton, Arthur Lake and Larry Simms; a new series of four Ellery Queen mystery productions and two Jack Holt productions.

The westerns will consist of eight Charles Starrett productions and eight

Off the Antenna

CBS gross billings of \$3,570,727 last month were the greatest for any May month and the second largest for any month in the network's history, it was declared yesterday. The billings were 15.3 per cent over May, 1939, and were exceeded only by January, 1940, when the billings were \$5,000 higher. For the first five months of this year, CBS grossed \$17,313,159, a rise of 22.9 per cent over the same period last year.

RCA has stopped its production line for television receivers completely since the F.C.C. decision. Officials decline comment except to indicate that a definite decision will not be made until the Commission promulgates the new television regulations. DuMont, on the other hand, reports that it has tripled its production and plans a sales promotion campaign for the near future.

Purely Personal: Leif Eid, of the NBC television publicity staff, is wondering what to do with a farm near Trondheim, Norway, which he has just inherited. . . . Doris D. Smith, WNEW continuity editor, joins Compton Advertising on June 17. . . . Stella Unger will interview Cecilia Ager, PM film editor, over WEAH at 1:45 P.M. today.

PM, the forthcoming tabloid, which promises to be a newspaper to give whole-hearted cooperation to radio, is setting another precedent in press-radio relations by buying time on four local stations. Temperature and weather reports with spot announcements will be heard over WEAH and WJZ, temperature reports and spots over WOR and time signals and spots over WABC. The schedule calls for announcements twice nightly, seven days a week, on each station. The Compton agency, which is handling the account, said additional stations may be used.

Programs: White Owl cigars is the first evening sponsor to take advantage of Mutual's volume discount plan and will sponsor Raymond Gram Swing twice weekly over 63 stations instead of 16 as at present, effective June 28. . . . Andrew Jergens Co. has renewed "Woodbury Hollywood Playhouse" for 13 weeks over 44 NBC-Red stations, effective July 3. . . . Bob Hawk's "Take It or Leave It" show over CBS is scheduled to increase from 27 stations to 50 in September.

On behalf of Johannes Steel and Eugene Lyons, WMCA commentators, their sponsor is conducting a novel "teaser" campaign. Almost every telephone subscriber in the city and vicinity is receiving a postcard reading: "Mr. _____: I suggest that you listen at 7:45 and 8:45 tonight to WMCA for a message that may interest you." The name of the subscriber is written in and there is an undecipherable signature to add to the mystery.

Bill Elliott productions. The four serials are: the "White Eagle," with Buck Jones; "The Iron Claw," "The Return of the Spider" and "The Adventures of Daniel Boone."

The short subjects consist of eight two-reel "Three Stooges" comedies; 18 two-reel All-Star comedies, with Charley Chase, Andy Clyde and Buster Keaton, and the following single-reel subjects: 16 Color Rhapsodies, eight Columbia Phantasies cartoons; eight Columbia Fables cartoons; 12 Screen Snapshots; a new series of six "How's your I.Q.?" subjects; a series of six "The Washington Parade" subjects; 12 World of Sports subjects; six New York Parade subjects; 10 Columbia Tours subjects; 10 Cinescopes; 10 Community Sings, and a continuation of the Columbia Happy Hour Entertainment, a specially selected juvenile film program service.

Jack Cohn, Columbia vice-president, opened the convention with an address of welcome to the sales force in which he urged all to "stick to your jobs and refuse to be distracted by the world's madness." He emphasized that nothing was to be gained by preoccupation with the European war and that the film industry still had a job to do.

Cohn turned the meeting over to Montague who spoke at length on the new season's plans and pictures. He described each as a "prize package" for the exhibitor and said that it was this conception of the company's product that had given the meeting its appellation of "Columbia's Package convention."

The delegates attended a beefsteak dinner in the Crystal Room of the

Loft Elects O'Reilly

Charles L. O'Reilly, head of Sanitary Automatic Candy Corp. and former president of the N. Y. Theatre Owners Chamber of Commerce, has been elected vice-president of Loft Candy Corp. Albert M. Greenfield, Philadelphia broker, also known to the film business, has been elected president of the company.

Indict House on Tax

A Federal grand jury indictment charging failure to pay amusement taxes exceeding \$16,000 was filed yesterday in the U. S. District Court here against Cine Lux Corp. and Pietro Garfoli, president, operators of Cine Roma Theatre at 1681 Broadway.

Special Mo. Session

JEFFERSON CITY, Mo., June 4.—Gov. Lloyd C. Stark will call a special session of the legislature for late July to appropriate funds for direct relief in the state for the remainder of 1940. The legislature meets in regular session Jan. 1.

Blackstone at the close of today's session.

Wires of regret at their inability to attend the session were read from Harry Cohn, president; Nate Spingold, home office executive; Abe Schneider, treasurer, and a number of the company's producers and directors.

The meeting will continue through Friday with Louis Astor, Lou Weinberg, Max Weisfeldt, Maurice Bergman and other home office executives scheduled to speak.

Newsreel Parade

War coverage in the new issues includes the plight of refugees, cities destroyed by bombs and an air battle. The reels and their contents follow:

MOVIETONE NEWS, No. 77—Belgian and French cities bombed. Refugees in Paris. Air battle in Belgium. England rounds up aliens. New battleship launched here. Move English children inland. Roosevelt meets defense council. Fire big as in New York. Indianapolis auto race. Girls in polo match. Film stars at Woodward horse race.

NEWS OF THE DAY, No. 275—Refugees on the march. Air raider downed. America speeds preparedness. Clipper arrives with children. Horse race in Hollywood. Auto race. Cardinal Dougherty in peace prayer.

PARAMOUNT NEWS, No. 80—Auto race in Indianapolis. Earthquake in Peru. Cities bombed. Refugees in Paris and London. French tanks at front. Ambulance units attacked. Memorial Day tribute in New York and Arlington. Launch new battleship. Roosevelt confers with defense commission. Morgenthau tells of preparedness cost. Senate approves defense moves. Plane production is speeded here.

RKO PATHE NEWS, No. 92—Air battle. Britain prepares for invasion. Roosevelt names new defense council. New battleship launched. Earthquake in Peru. College track meet. Indianapolis auto race. Sky carnival in Birmingham. Cardinal Dougherty observes anniversary.

UNIVERSAL NEWSREEL, No. 881—Memorial Day Parade. Roosevelt meets with defense council. New battleship launched. Defense guns fired in New York. Earthquake in Peru. Ambulance unit at front. Air show in Birmingham. Auto race. Girls in polo match. Horse race in Los Angeles.

'Russell' Garners \$14,500, Cincinnati

CINCINNATI, June 4.—"My Favorite Wife" did \$7,300 in its second downtown week at the RKO Capitol. "Lillian Russell" gave the RKO Albee \$14,500. The weather was rainy throughout the week.

Estimated takings for the week ending May 28-June 1:

"Lillian Russell" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days.
Gross: \$14,500. (Average, \$12,000)
"Edison, The Man" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 6 days.
Gross: \$9,000. (Average, \$10,000)
"I Was An Adventuress" (20th-Fox)
RKO SHUBERT—(2,150) (35c-42c) 7 days.
Gross: \$2,700. (Average, \$10,000)
"My Favorite Wife" (RKO)
RKO CAPITOL—(2,000) (35c-42c) 7 days.
2nd week. Gross: \$7,300. (Average, \$6,500)
"Alias the Deacon" (Univ.)
RKO LYRIC—(1,450) (25c-40c) 7 days.
Gross: \$3,000. (Average, \$5,000)
"King of the Lumberjacks" (W. B.)
"Just Like a Woman" (Film Alliance)
RKO FAMILY—(1,000) (15c-25c) 4 days.
Gross: \$1,300. (Average, \$1,500)
"Tear Gas Squad" (W. B.)
"The Showdown" (Para.)
RKO FAMILY—(1,000) (15c-25c) 3 days.
Gross: \$600. (Average, \$900)
"Twenty Mule Team" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: \$4,000. (Average, \$6,000)

Bill Would Repeal New Orleans Levy

BATON ROUGE, La., June 4.—Representative Burg of New Orleans has introduced a bill in the Louisiana House calling for repeal of the act permitting his city to levy a two per cent tax on admissions over 15 cents. Another by Burg would repeal the 1935 act creating a state censor board.

A Senate bill would limit to five cents the admission to films for children under 15, and a second would prohibit circuits from operating more than one house in any town of less than 10,000 population.

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VOL. 47. NO. 111

NEW YORK, U.S.A., THURSDAY, JUNE 6, 1940

TEN CENTS

House Group Will Revamp Neely Bill

Block Booking Ban May Be Eliminated

WASHINGTON, June 5.—The Neely block booking bill will be rewritten by a House Interstate Commerce Committee subcommittee as an alternative to a proposal by some Committee members to table the measure. No definite time was set for the subcommittee to report, and in some quarters the fate of the bill is seen as dependent largely on the length of the Congressional session.

The subcommittee, it is expected, will eliminate the block booking ban and provide compulsory cancellation of films for cause, to meet the objections of public groups to blind selling. In view of the possibility that the New York anti-trust suit may solve the block booking question, Committee members felt it unnecessary to take action on it.

The revised bill, it was said, will
(Continued on page 8)

RKO Names Prince Southeast Manager

David Prince, former Southern district manager for United Artists, has been appointed Southeastern district manager for RKO by Ned E. Depinet, vice-president in charge of distribution. Prince will supervise Atlanta, Charlotte and New Orleans, with headquarters in Atlanta.

Prince, an industry pioneer, has been with General Film Co., Paramount and other companies.

Griffiths Paramount English Sales Head

London, June 5.—David Rose, executive in charge of Paramount activities in England, today confirmed the appointment of D. E. Griffiths as Paramount English general sales manager, effective June 17.

The appointment of Griffiths, former managing director for First National here, and more recently handling "Gone With the Wind" sales for M-G-M, was indicated exclusively in *Motion Picture Daily* on May 23. C. G. Dickinson, Paramount sales manager here, recently resigned.

Kuykendall Urges Rise in Admission On Big Pictures

The current campaign for flexible admission scales to permit increases for the more important pictures was given the stamp of approval of Ed Kuykendall, M.P.T.O.A. president, yesterday.

Visiting in New York until Saturday, when he will leave for Myrtle Beach, N. C., to address the annual convention of M.P.T.O. of North and South Carolina, Kuykendall said that he had long advocated a price differential for the outstanding pictures and had employed the policy for many years in his Columbus, Miss., theatres, where he said it was a success.

"There is no sound business reason for charging the same price for pictures whether they are good, average, outstanding or bad," Kuykendall said. "As for price differentiation serving to

(Continued on page 8)

Arnold Attacked At IA Convention

LOUISVILLE, June 5.—Assistant U. S. Attorney General Thurman Arnold was attacked in a speech today by Joseph A. Padway, general counsel for the A.F.L., before the I.A.T.S.E. convention here. Padway described Arnold as "a college professor who had never tried an anti-trust case in his life," who became assistant attorney

(Continued on page 8)

Promise Col. Sales Policy More Liberal Than Code

CHICAGO, June 5.—Columbia's policy on exhibitor relations will be based on a fair trade practice code even more liberal than the defunct trade practice code of last year, Abe Montague, general sales manager, today told the company's Western sales meeting in session at the Blackstone Hotel here.



A. Montague

While Montague did not identify specific trade practices which would be affected by the company's own code, or whether Columbia was pre-

BLOCK BOOKING IS DEFENDED AT TRIAL

Allied Bids Sales Heads To Meeting

CHICAGO, June 5.—Jack Kirsch, president of Illinois Allied, has invited sales managers of all distributing companies to attend the Allied States annual convention here June 19 to 21 and speak on industry issues.

Kirsch has already received a few tentative acceptances from sales executives, including Western division managers.

Kirsch said one of the chief topics at the meeting will be arbitration of disputes between exhibitors and distributors. He is urging the establishment of arbitration boards.

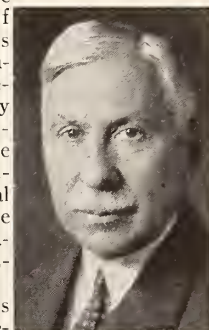
Also important in the convention discussions will be double features, giveaways and other exhibition issues, Kirsch said. He expects an attendance of about 1,000.

The tentative program includes a directors' meeting and general session June 19 and similar sessions June 20 and 21. The annual banquet the evening of June 21 will conclude the convention.

Myers, Allied Charged With Fomenting Costly Suits

If block booking is eliminated, there is a grave danger that Columbia, Universal, United Artists and many independents may be forced out of business, Louis Frohlich, Columbia attorney, declared yesterday during his opening address in the New York anti-trust suit trial before Judge Henry W. Goddard in U. S. District Court.

Frohlich was one of five defense attorneys who spoke. He was preceded by John W. Davis of Loew's and Ralph Harris of 20th Century-Fox and followed by Edward C. Raftery, attorney for United Artists and Universal, and Joseph Proskauer of Warners. Proskauer will continue today.



Joseph Proskauer

The court day was also featured
(Continued on page 4)

Skouras, All Majors Named in New Suit

All major companies and the Skouras Theatre Corp. were named defendants yesterday in a suit charging unreasonable clearance filed in the U. S. District Court here yesterday by the River Theatre Corp., operator of the Central Theatre in Pearl River, N. Y. Plaintiff asserts that its 644-seat house should receive clearance seven days after Skouras' Nyack Theatre but that it is compelled to wait from 52 to 72 days. An injunction is sought to require the defendants to grant seven-day clearance.

Industry Pledges U. S. Defense Aid

Officials of the industry met at the Union League Club yesterday with representatives of the War Department and pledged the cooperation of the industry with Government plans for national defense.

(Continued on page 8)

Petrillo May Take Weber AFM Place

Upon advice of his physician, Joseph N. Weber, president of the American Federation of Musicians advised several Federation leaders that he would resign his position when the union meets Monday in Indianapolis for its annual convention.

Already a movement is under way to draft James C. Petrillo, head of the Chicago Federation of Musicians, for the presidency. Marking the 45th annual musicians' convention, it will be the 40th for Weber as the presiding officer. He has been in poor health since last year's convention in Kansas City.

To Seek Price Rise On New English Tax

LONDON, June 5.—At a joint meeting on the purchase tax situation today, the Cinematograph Exhibitors Association and the Kinematograph Renters Society are understood to have jointly agreed to ask the Government to allow an admission increase equal to the amount of the tax.

Under the plan, the present admission tax rate would remain the same. For example a six-penny admission would become seven pennies or eight pennies, free of tax. It is expected the plan would raise considerable revenue, the exact figure dependent on the tax percentage.

It was emphasized that exhibitors and distributors are willing to shoulder the burden of taxation under the present circumstances, but desire a practicable method.

Protest Propaganda Shorts Use as Quota

LONDON, June 5.—The registration of the Ministry of Information security films as quota for M-G-M has raised a minor storm among shorts producers.

Protests have been made by the Short Film Producers Association—the documentary group—to the Ministry of Information. While it is admitted that the films qualify for quota and that there is nothing in the existing law against such registration, the producers consider the propaganda quality of the films should put them outside the quota sphere.

RKO Outings Set

RKO's eighth annual boat ride and outing has been set for June 10 and June 17, half of the organization on each date. Participating will be employees of the RKO theatres home office and the theatre staffs, RKO Pictures and the exchange, and Pathe News. The program includes a trip on the *Peter Stuyvesant* to Bear Mountain, dancing and entertainment.

Loew Sets Dividend

The board of directors of Loew's, Inc., yesterday declared a regular quarterly dividend of 50 cents per share on the common stock, payable June 29 to stockholders of record June 18.

Coburn Ampa Guest

Charles Coburn, actor, now associated with the Mohawk Drama Festival, will be a guest at today's Ampa luncheon at Jack Dempsey's. Spyros Skouras will be the chief speaker.

Personal Mention

DAVE PALFREYMAN and KENNETH CLARK of the M.P.P.D.A. returned to New York from Washington yesterday. C. C. PETTIJOHN is remaining in Washington several days longer.

ARTHUR HORNBLow, Paramount producer, will leave by plane for the Coast Saturday night with his wife, MYRNA LOY.

HARRY BUNBAUM, Metropolitan district manager for 20th Century-Fox, launches his yawl, *Tern*, next week for the season.

AL MENDELSON, 20th Century-Fox booker, will occupy his new summer home in Nanuet, N. Y., in two weeks.

JACK GOETZ, KAY KAMEN, IRVING BERLIN, HARRY LINK and LESTER SANTLEY lunching at Lindy's (51st St.) yesterday.

LOUIS SOLKOFF, former booker at the Principal Film exchange, now is in the commercial shorts field.

HAROLD HURLEY, former Paramount producer, is in town from the Coast.

BERNARD SHORE, French Cinema Center publicity director, flew to Cleveland yesterday.

ROSE KAPLAN of the 20th Century-Fox New York exchange is on a month's vacation in Des Moines and California.

CHARLES ROBERTS, Columbia's Latin American supervisor, arrived from Mexico City yesterday for home office conferences and to attend the company's sales meeting next week in Atlantic City.

MIRIAM BRIGGS, daughter of E. P. BRIGGS, manager of the State, Denver, is engaged to WILLIAM H. OSTENBERG III, of Scottsbluff, Neb., son of an exhibitor.

ARTHUR CLARK, vice-president of Peter Clark, Inc., manufacturers of stage equipment, is spending a week at the factory in Syracuse.

HARRY GOLD, EMANUEL and ARTHUR SILVERSTONE and SEYMOUR POE at Lindy's (next to the Rivoli) for lunch yesterday.

JOSEPH COOPER, SOL BORNSTEIN, JOHN W. HICKS, SIDNEY PHILLIPS, ED SAUNDERS and MAX DREYFUS at Nick's Hunting Room in the Astor yesterday for lunch.

LOWELL CALVERT, LOU POLLOCK, JACK MAYER, ARTHUR KELLY and LYNN FARNOL lunching yesterday at the Tavern.

CHARLES REAGAN, ARTHUR KRIM, I. E. LOPERT, BUDDY EBSEN, AL LEWIS, MARCUS HEIMAN, JOHN WILDBERG and DONALD GIBBS lunching at Sardi's yesterday.

SAM DEMBOW officially opened the straw hat season yesterday.

Arbitration Results Mexican Film Theme

Mexico City, June 5.—The Government, it is reported, intends to finance a picture producer for the making of a film that is intended to demonstrate that Mexico always gets the worst of it in the arbitration of international disputes. The case of Cliperton Island, in the Pacific, which the King of Italy as arbiter awarded to France, is to be featured in the film.

AFL Office Workers Union Drive Stymied

HOLLYWOOD, June 5.—Producers today informed the American Federation of Office Employees, Local 20798, A. F. of L. affiliate, that they would not begin collective bargaining negotiations with the union until it had been certified by the National Labor Relations Board as the proper bargaining agency for the Central Casting Corp. employees it professes to represent.

The union had asked for a closed shop at Central. Its demand was the first move by an A.F.L. union into the Hollywood office workers field.

Form Theatre Firm

ALBANY, June 5.—Courtboro Theatres, Inc., 100 shares, no par value, with directors listed as Isaac Katz, Herbert Katz, and M. Lehrfeld, New York, has been chartered here.

Republic Concludes Meeting in Memphis

MEMPHIS, Tenn., June 5.—Republic's Southeastern and Southwestern exchange managers and salesmen concluded a two-day regional meeting at the Hotel Peabody here today, with James R. Grainger, president, Herbert J. Yates, and David Whelan, advertising and publicity director, in attendance. M. A. Lightman, president of Malco Theatres, addressed the meeting.

A Midwestern meeting will be held at the Blackstone Hotel in Chicago tomorrow and Friday, and a final regional in New York next Tuesday and Wednesday. Yates returned to the Coast tonight by plane. Grainger flew to Chicago.

Will Hays Gets Degree

CRAWFORDSVILLE, Ind., June 5.—Wabash College conferred on Will H. Hays, Class of 1900, an honorary LL.D. degree at the commencement exercises here. Hays is president of the M.P.P.D.A. He returned to New York yesterday.

Chicago Bans U. S. Film

CHICAGO, June 5.—The local censor board has rejected "The Fight for Life," U. S. Film Service film which Columbia will release, on the ground that films of childbirth are unfit for the general public.

Rivoli Closes Tomorrow

The Rivoli on Broadway will close tomorrow for about five weeks because of the usual seasonal letdown. Last year, the theatre was closed for four weeks at about the same time.

SEC Reports Cohn Exchange of Stock

WASHINGTON, June 5.—Exchange by Jack Cohn, vice-president of Columbia Pictures, of his 31,321 common voting trust certificates for as many shares of Columbia common stock in April was reported tonight by the Securities and Exchange Commission in its semi-monthly summary of the transactions of corporation officers and directors in the stocks of their companies. The report shows the acquisition of 100 shares of common stock by Abraham Schneider, Columbia treasurer.

Acquisition of 200 shares of Loew's, Inc., common was reported by Joseph R. Vogel, bringing his interest to 300 shares, and in Paramount Pictures Austin C. Keough reported the acquisition of 500 shares of common, making his holdings 559 shares, and 200 shares of second preferred, giving him a total of 423 shares.

Disposition of 500 shares of 20th Century-Fox preferred was reported by Joseph M. Schenck, reducing his holdings to 14,784 shares; acquisition of 300 Universal Corp. common voting trust certificates was reported by Preston Davis, giving him a total of 2,000; and acquisition of 300 shares of Warner common was reported by Samuel Carlisle, giving him a total of 1,000 shares.

A report on Columbia Broadcasting System showed that Isaac D. Levy disposed of 629 shares of Class A common by gift, reducing his holdings to 60,846 shares; Arthur S. Padgett disposed of his holdings of 20 shares of Class A, and Samuel Paley disposed of 800 shares of Class A by gift, reducing his holdings to 10,200 shares.

Meeting Approves RKO By-Law Change

DOVER, Del., June 5.—Stockholders of RKO today approved an amendment to the by-laws indemnifying officers and directors for any expenses incurred as a result of being named parties to any suit in connection with their duties, unless dereliction on their part is established. The stockholders, in their first annual meeting since RKO's reorganization, also continued the firms of Price, Waterhouse & Co. as auditors for 1940.

Ned E. Depinet, vice-president and proxy stockholder, presided. More than 2,000,000 shares out of 2,650,000 outstanding were represented.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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BROTHER ORCHID

AND THE MOB

MOVES IN

THIS WEEK!

EDW. G. ROBINSON

Back in Warner action in

"BROTHER ORCHID"

with **ANN SOTHERN**
HUMPHREY BOGART

DONALD CRISP • RALPH BELLAMY

ALLEN JENKINS • Directed by LLOYD BACON

Screen Play by Earl Baldwin • Based on the Callier's Magazine
Story by Richard Cannell • A Warner Bros.-First Nat'l Picture



AND

On June the 13th

'ALL THIS, AND HEAVEN TOO'

*Begins first of nation-wide roadshows
at Carthay Circle, L. A.*

Block Booking Is Defended At U. S. Trial

(Continued from page 1)

by a statement by Paul Williams, special assistant attorney general, to Judge Goddard that the Government would not consider ownership of theatres by a producer unlawful if the producer played only his own product at these houses.

Rafferty took to task Abram F. Myers, board chairman and general counsel of Allied States, and his organization, charging the former with being "the active enemy of the best interests in the industry since the day he walked out of the Trade Practice Conference in 1927." Allied was taxed with causing a "deluge of lawsuits" and with "fomenting legislation against the industry."

"Attempt to Seize Power"

Proskauer, in attacking Assistant Attorney General Thurman W. Arnold, stated: "The ultimate purpose of this case is an attempt at Government seizure of industrial power. The fundamental practices here assailed have gone on with governmental permission for 20 years."

Harris defended the majors from charges of discrimination, declaring: "During the course of this trial it will clearly develop that film rental is purely a matter of negotiation and nothing could be more misleading than to take two theatres and to say that the one which pays the higher film rental is the victim of discrimination."

At another point, Harris said: "We confidently believe that the evidence will demonstrate that from the standpoint of the independent exhibitor, the industry as presently constituted and presently operated affords the maximum of service, convenience and opportunity to him."

Says Integration Lawful

Davis discussed the legal aspects of the suit and maintained that integration of the three branches of the industry was in no way prohibited by any judicial decision. Davis declared that the Government must prove an actual conspiracy on the part of the defendants and argued on behalf of Loew's that the company must definitely be tied into an agreement to monopolize.

Judge Goddard interrupted the statements to ask Williams whether the Government objected to the acquisition of theatres by producers for their own product. The court stated, on questioning Williams, that it "assumed that a producer has the right to distribute pictures which it makes."

Williams defined the right of a producer-distributor to exhibit its own product "as the very limit to which he may go." He asserted that companies which exhibit product of outside companies "indulge in the systematic exchange of product to the exclusion of all others." It was the "inequality" of this system which is in violation of the anti-trust laws, Williams added.

William J. Donovan, attorney for RKO, told the court that the statements of other counsel had made it unnecessary for him to address the court.

Columbia was not a major company,

Hollywood Reviews

"Love, Honor and Oh-Baby!"

(Universal)

HOLLYWOOD, June 5. — Universal's "Love, Honor and Oh-Baby!" is a melodrama which crowds into its 60 minutes a fast moving story which pits an author and a newspaperman against a murder ring whose activities parallel those of a recently uncovered gang of New York criminals. It presents Donald Woods as the author, Wallace Ford as the newspaperman, and Kathryn Adams, a comparative newcomer to the screen, in the principal roles, Miss Adams completely captivating the audience.

Supporting are Mona Barrie, Warren Hymen, Marc Lawrence, Hobart Cavanaugh, Eddy Waller and Irving Bacon.

Clarence Upson Young wrote the screenplay from an original story by Elizabeth Troy. Charles Lamont directed.

Woods, desiring to be killed in order that his sister may collect on his insurance, contacts the murder ring. That night, in protecting a girl from an obnoxious man, he is struck on the head and suffers thereafter from amnesia. He and the girl marry in a whirlwind courtship, while gangsters attempt to kill him. He manages to round up the master mind of the ring, while trying to buy his way out of being killed.

Running time, 60 minutes. "G."*

VANCE KING

"On the Spot"

(Monogram)

HOLLYWOOD, June 5.—Frankie Darro, again appearing in the role of an ambitious young man whose experiments get him into trouble, stars in "On the Spot," a melodrama dealing with gangsters who descend upon a small town seeking \$300,000 with which one of the gang had fled. Darro, a drugstore worker, solves the crime amid personal danger to himself and a colored porter, the latter being played to the hilt by Manton Moreland, who creates quite a number of laughs.

Supporting players include John St. Polis, Robert Warwick, Mary Kornman, Maxine Leslie and Lillian Elliott.

The picture is replete with humor and suspense. The script was written by Joseph West and Dorothy Reid. West wrote the original. Howard Bretherton directed. Grant Withers was the associate producer.

Running time, 61 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Frohlich argued, but "a little fellow who has managed to survive." He contended that Columbia's policy of selling away from affiliated houses was strong proof that no monopoly existed. He pointed to the "ruinous competition" between the majors for good stories and the rising cost of production as ample support of his thesis that the industry was one of the most competitive in the world.

Traces Loew's Growth

In the opening remarks, Davis gave a short summary of the history of Loew's and reiterated frequently that no company had acted more independently than Loew's in its growth from its humble beginning to its present prominent position in the industry. In showing that Loew's spared no effort to produce fine pictures, Davis said that the average cost of a Loew picture in 1924 was \$146,000 while in 1939 it was \$865,000.

Davis denied any reciprocity between his company and other major defendants, stating "the only effort is to get its pictures in the best theatres at the best prices; this is a commercial endeavor not in violation of any law." He summarized what he said was his understanding of the claims made by the Government as expressed in the statement of special Assistant Attorney General Williams: (1) that complaints continue to reach the Department of Justice; (2) that the defendants own the great number of de luxe houses; (3) that pictures are shown first where they make the most money, i.e. de luxe houses; (4) that

there is an inequality and violation of the law (and added that it was the first time that the anti-trust laws had been applied to a so-called inequality); (5) that the Government presumably in searching for a reason of inequality had seized upon integration; and (6) that the Government had a mistaken idea that a breakup of integration would mean that "equality would emerge from the wreck."

Davis twitted the Government, declaring: "This is a curious conspiracy where one conspirator goes on to success and his co-conspirators find the road rocky and fail. Men are not usually so unselfish as to conspire for the success of one of them."

Seat Capacity Increased

Scouting Government claims that independent theatres had been forced out of business because of discrimination, Davis said there were 16,895 independent theatres in 1933 and 16,421 in 1937, but at the same time, the total seating of these houses had increased from 8,147,000 to 8,530,000. Davis discussed such practices as block-booking and clearance, calling them "wholly natural growths."

Harris maintained that the history of 20th Century-Fox was peculiar and different from that of any other company. He detailed the gradual rise of the company under William Fox and termed his career "swashbuckling" and as conclusive proof that there had been no conspiracy in the industry. "That in certain territories some of the defendants operate the best theatres, the most productive theatres

U. S. Charges Are Unfounded Goddard Hears

and the largest number of theatres," Harris said, did not come by agreement but through "unlimited, untrammelled and open competition." He referred to 36 key cities named by the Government and stated that 20th Century-Fox controlled directly one theatre in the group, the Roxy.

Setting forth the history of 20th Century-Fox, Harris produced facts which he contended showed that National Theatres was not a subsidiary of 20th Century-Fox and was not directly controlled by the company. National Theatres, he said, owns only six de luxe theatres in the 36 key cities. And this situation falls far short of a monopolistic control. He stated that the Government was wrong in contending that the ultimate consumer was the theatre. The public, he said, is the ultimate consumer and if an independent producer can make pictures which the public will like, those pictures will be shown by every theatre, major or small. It was only natural, he continued, that the large de luxe houses, capable of paying the best prices, would secure the best pictures. Even the Government complaint, he added, showed that the average seating in affiliated houses far exceeded that of independents.

Rafferty's Presentation

Rafferty asserted that Universal extended more selective contracts to independents than to affiliated theatres. United Artists is the largest distributor for independent producers, Rafferty said, and will distribute for any producer who makes good pictures "with his own money."

Both U.A. and Universal "are near the breaking point," Rafferty said, because of a multitude of suits. He pointed out that these companies had depended largely on the foreign market for their profits and that these markets had been cut off because of the war.

Judge Goddard adjourned the trial until 2 o'clock today. Proskauer will be the last speaker for the defense. The Government will immediately follow with its first witness.

Roosevelt Nominates Brown for FCC Post

WASHINGTON, June 5.—President Roosevelt today nominated Commissioner Thad H. Brown to succeed himself as a member of the Federal Communications Commission for a seven-year term.

The nomination went to the Senate where its consideration may serve as a vehicle for inquiry into the progress being made by the F.C.C. on the many problems which in the past have been the subject of Congressional interest but it is not believed there will be any difficulty in obtaining Commissioner Brown's confirmation.

Coburn at Opening

Charles Coburn will be guest of honor of the "General Electric Night" Committee at the Schenectady premiere of M-G-M's "Edison, the Man," at Proctor's Saturday evening.



REASONS WHY!

(By telegraph from Preview at Pomona, Cal. of M-G-M's
"SUSAN AND GOD" starring JOAN CRAWFORD and FREDRIC MARCH

1. A new magnificent Joan Crawford. Never heard so many spontaneous bursts of applause.
—Jimmy Starr, L. A. Herald-Express
2. Don't miss Joan Crawford in "Susan and God."—Harry Mines, L. A. News
3. Crawford proves she is one of the screen's greatest actresses.—Jimmie Fidler, Nationwide Columnist
4. Evoked bursts of spontaneous preview-night applause.—Motion Picture Daily
5. Quality entertainment in every respect, should click strongly at box-offices.—Film Daily
6. Superlative performances are just what it boasts. Particularly brilliant is Joan Crawford's dazzling portrayal of the scatterbrained Susan.
—Hollywood Reporter
7. Marks another step forward for Miss Crawford.—James Crow, Hollywood Citizen-News
8. Crawford gives a magnificent performance.—Ed Sullivan, Nationwide Columnist
9. Miss Crawford reaches acting stature far beyond anything she has heretofore attempted.—Daily Variety
10. Everyone should see this enjoyable picture.—Hedda Hopper, Nationwide Columnist

with Ruth Hussey • John Carroll • Rita Hayworth • Nigel Bruce
Bruce Cabot • Rita Quigley • Rose Hobart • Screen Play by Anita
Loos • Based on the Celebrated Play by Rachel Crothers and
Produced by John Golden • Directed by George Cukor • Produced
by Hunt Stromberg • An M-G-M Picture.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



Book these **PARAMOUNT SHORTS** when you book your features!

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BOX OFFICE
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Cinecolor
UNUSUAL OCCUPATIONS #5

MAY 31
Headliner
BLUE BARRON AND
HIS ORCHESTRA

JUNE 7
Popeye the Sailor
WIMMIN IS A
MYSKERY

JUNE 14
Grantland Rice Spotlight
CRADLE OF CHAMPIONS

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
May 10		Edison, the Man (G-D) Spencer Tracy Rita Johnson	Cowboy From Sundown (O) Tex Ritter	Opened by Mistake (G-C) Charlie Ruggles Janice Logan	Gaucha Serenade (O) Gene Autry Smiley Burnett	Beyond Tomorrow (G-D) Binnie Barnes	I Was An Adventuress (G-D) Zorina-Greene		Ski Patrol (G-D) Luli Deste Philip Dorn	Saturday's Children (D) John Garfield Ann Shirley
May 17	Babies for Sale (D) Glenn Ford R. Hudson	Waterloo Bridge (A-D) Robert Taylor Vivien Leigh		Typhoon (G-D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (A-C) Carole Landis Adolph Menjou	Alias the Deacon (G-C) Bob Burns Mischa Auer	Flight Angels (G-D) V. Bruce R. Bellamy
May 24	Isle of Doomed Men (D) Texas Stagecoach (O)		Kid From Santa Fe (O) Jack Randall	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (A-C) Lucille Ball	Lillian Russell (G-M) Don Ameche Alice Faye	Our Town (A-D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Torrid Zone (A-C) Cagney-O'Brien Ann Sheridan
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Phantom Raiders (D) Walter Pidgeon Florence Rice	Riders from Nowhere (O) Jack Randall	Those Were the Days (G-C) Wm. Holden B. Granville		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Girl in 313 (D) Florence Rice Kent Taylor		La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Littel
June 7	Passport to Alcatraz (D) Mad Men of Europe (D)	Susan and God (D) Freddie March Joan Crawford		Hidden Gold (G-O) William Boyd Russell Hayden	Women in War (G-D) Elsie Janis Wendy Barrie	Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (D) Warner Baxter Andra Leeds		No Exit (D) Wallace Ford Kathryn Adams	Brother Orchid (D) Ed. G. Robinson Bogert-Sothern
June 14		The Mortal Storm (D) M. Sullivan Jimmy Stewart	On the Spot (D) Frankie Darro Mary Korman	Safari (D) Fairbanks, Jr. M. Carroll	Grand Ole Opry (O) W. Carter Bros. and Henry	Tom Brown's School Days (D) Don Ameche Alan Curtis	Four Sons (D) Don Ameche Alan Curtis		Sandy Is a Lady (G-C) Baby Sandy Nan Gray	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks
June 21	Girls of the Road (D) Lola Lane Helen Mack	The Captain Is A Lady (D) Virginia Grey Billie Burke	Wild Horse Range (O)	The Ghost Breakers (C) Bob Hope P. Goddard	Wagons Westward (O) Chester Morris Anita Louise	Thousand Dollar Marriage (C) Leon Errol	Charlie Chan's Murder Cruise (D) Sidney Toler		I Can't Give You Anything But Love, Baby (M) B. Crawford	Gambling on the High Sea (D) H.ayne Morris
June 28	Return of Wild Bill (O) Bill Elliott Iris Meredith	New Moon (M) Nelson Eddy J. MacDonald	Ridin' the Trail (O) Fred Scott Last Alarm (D)	Queen of the Mob (D) Ralph Bellamy Blanche Yurka	Carson City Kid (O) Roy Rodgers One Man's Law	Anne of Windy Poplars (D) Anne Shirley James Ellison	Lucky Cisco Kid (O) Cesar Romero Evelyn Venable		Sailor's Lady (D) Nancy Kelly Jon Hall	All This and Heaven Too (D) Bette Davis Charles Boyer
July 5	Out West With the Peppers Edith Fellows	Andy Hardy Meets a Debutante (C) Mickey Rooney Lewis Stone	Golden Trail (O) Tex Ritter	Way of All Flesh (G-D) Tamiroff Gladys George	Refugee (D) John H. Wayne Sigrid Gurie	Dr. Christian Meets the Women (D) Jean Hersholt	Manhattan Heartbeat (C) Robert Sterling Virginia Gilmore		Private Affairs (C) Nancy Kelly Roland Young	
July 12		One Came Home (D) Bob Young M. O'Sullivan		Stagecoach War (O) Bill Boyd Russell Hayden		Millionaires in Prison (D) Lee Tracy Linda Hayes			Black Diamonds (D) Richard Arlen Andy Devine	
July 19	Military Academy (D) Tommy Kelly Bobby Jordan	I Do! (D) Lana Turner John Shelton Gene Lockhart	Kid Reporters (D) Morcia Mae Jones Jackie Moran			Cross Country Romance (C) Gene Raymond Wendy Barrie	Maryland (D) Walter Brennan Fay Bainter		Arizona Cyclone (O) Johnny M. Brown	
July 26	Blondie Has a Servant Trouble (C)	Pride and Prejudice (D) Greer Garson	Boys of the City (D)	Untamed (D) Roy Milland P. Morrison		Stage to Chino (O) Stranger on			You're No So Tough (D) Dead End Kids	

Picture Theatres Expect Less Competition From Summer Stock Houses This Season

Film theatres this Summer in the resort towns and in the places where Summer stock generally plays are destined to experience less competition, according to latest reports. The departing Broadway season has not been abundant with that type of show which is good for Summer stock. Barn impresarios, according to reports from the hinterlands, are experiencing considerable difficulty in lining up their July and August schedules. Some are reported to have compiled eight or 10-week schedules, but most of them are said to be going ahead only with one, two or three weeks of plays set. Some of the better stock companies are included among the latter group.

Ethel Barrymore, Jane Cowl and Ina Claire are among those who have corralled for themselves certain plays which will carry them more or less intact through the Summer on one-week stands. Miss Barrymore's vehicle is "The School for Scandal," Miss Cowl's, "Captain Brassbound's Conversion" and Miss Claire's, "Biography." These will provide a full warm weather season for three complete casts.

Amherst Gets Subsidy

Sylvia Field, Michael Whalen, Millard Mitchell and Viola Roache are taking the lead roles at Denver's Elitch's Gardens, where Arnold Guertler will have his usual 10-week season. George Sommes will direct and his wife, Helen Bonfils, owner of the *Denver Post*, will be a member of the company.

The Amherst (Mass.) Theatre has received a subsidy from Amherst College and Harold Kennedy has been engaged as manager. He has Edith Van Cleve slated to direct five weeks, and has scheduled Sylvia Sidney and Luther Adler in "No Time for Comedy" and Donn Cook and John Beal in "Outward Bound" and possibly Ezra Stone in "What a Life." This is one of the theatres Miss Cowl will play.

John Cornell and John Haggott have taken over the Westport Country Playhouse, as they did last season, from its owner Lawrence Langner. They will alternate productions with the McCarter Theatre at Princeton, which will be under the management of Warren Munsell, Jr., whose father is general manager for the Theatre Guild. The Princeton theatre will open with Miss Cowl and will include on its schedule a production of Paul Robeson in "Emperor Jones."

Ruth Gordon has signified her intention of playing a number of Summer theatres in "Here Today," which seems to have been revised since its appearance on Broadway, where it was one of the few George S. Kaufman collaborated pieces to fail.

Calhern at New Hope

Louis Calhern, Haila Stoddard, Florence McGee and Natalie Schafer will be members of the permanent cast at the Buck's County Theatre, New Hope, Pa. This spot, operated this season by Theron Bamberger and Kenyon Nicholson, will open with Calhern and Peggy Wood in "The Royal Family" and Lenore Ulric will appear here in one starring show during the season. Miss Wood will also be seen in a revival of "The Texas Nightingale." "Yes, My Darling

Daughter" is another of their planned bills.

One of the more ambitious of the soon-to-be-made announcements is Walter Hartwig's production of "Amphitryon 38." Hartwig's theatre is at Ogunquit, Me. Cheryl Crawford and John J. Wildberg have taken over the Maplewood Theatre, at Maplewood, N. J., and will open their season with Helen Menken in "Enter Madame."

Melville Burke will again direct at Skowhegan, Me., where the Owen Davises and Arthur Byrons are regular summer residents. One of the more important of their endeavors this Summer will be the production of "The Norths Meet Murder," dramatized by Davis from the *New Yorker Magazine* stories of Richard Lockridge, drama critic of the *The Sun*. This is a property of William Harris, Jr., for Broadway in the Fall. "Life With Father" received its try-out last Summer at the Skowhegan Theatre. (The only other Summer theatre tryout in the history of Summer theatres to have been a hit on Broadway was "The Pursuit of Happiness," which Lawrence Langner presented at his Westport Theatre before Rowland Stebbins did it on Broadway.)

Day Tuttle is taking a sabbatical from his accustomed post as co-manager of the Mt. Kisco Playhouse, leaving the work to his colleague Richard Skinner.

Class A Theatres Set

The Equity Class A Summer theatres that have signified their intention of reopening this Summer are: Richard Berger's Municipal Opera Company in St. Louis, Malcolm Atterbury's Tamarack Players at Lake Pleasant, N. Y.; Justus J. Addiss' Chapel Playhouse Players at Guilford, Conn.; William Miles' Berkshire Playhouse, Stockbridge, Mass.; Virginia Franke and Walter Davis' Skaneateles Summer Theatre, Skaneateles, N. Y.; Watson Barratt and Victor Payne-Jennings' Summer Stock at Spring Lake, N. J.; John Huntington and Mariam Batista's Cambridge Summer Theatre (Brattle Hall), Cambridge, Mass.; Lydia B. Noble's Montowese Playhouse, Branford, Conn.; Joseph Cortere's Memphis Open Air Co., Memphis; Robert Elwyn's Woodstock Players, Woodstock, N. Y.; Frederick Walker's Mountain Playhouse, Jennerstown, Pa.;

And Others—

Also, Martin Meyers and David Walper's Montclair Theatre, Montclair, N. J.; Henry Levin and Martin Manulis' Bass Rocks Theatre, Gloucester, Mass.; Morgan Farley's Nantucket Players, Nantucket, Mass.; Alexander Kirkland's Summer theatre, Clinton, Conn.; Guy Palmerton's Lake Whalom Playhouse, Fitchburg, Mass.; Charles Coburn's Mohawk Drama Festival, Schenectady, N. Y.; Walter Armitage, who has taken over the County Theatre, Suffern, N. Y.; Alan Grey Holmes' Town Hall Playhouse, Westboro, Mass.; Richard Aldrich's Cape Playhouse, Dennis, Mass.; Philip Carr, Charles Atkin and Kate Holt's New England Playhouse, Ridgefield, Conn.; Julian Olney's Ridgefield Theatre Players, White Plains, N. Y.; Hope New-

combe's Marblehead Summer Co., Marblehead, Mass.

Also, Mrs. Alice J. Tyler's Theatre-by-the-Sea, Matunuck, R. I.; The Oak Bluff's Summer Co., Martha Vineyard, Mass.; Maryverne Jones' Starlight Theatre, Pawling, N. Y.; Royal Stout's Nuangola Players, Nuangola, Pa.; Mary Ann Dentler's Bandbox Theatre, Suffield, Conn.; T. C. Upham's Cape Theatre, Cape May, N. J.; Robert T. Schnitzer's Robin Hood Theatre, Arden, Del.; Nancy Rogers' Casino Theatre, Newport, R. I.; Bela Blau's Deertrees Theatre, Harrison, Me.; and Edward Goodnow and Francis Grover Cleveland's Barnstormers, Tamworth, N. H. In addition to these there are those previously mentioned theatres at Elitch's Gardens, Denver; Skowhegan, Me.; the Buck's County Playhouse at New Hope, Pa.; Westport, Conn.; Princeton, N. J., and Maplewood, N. J.

Gertrude Lawrence at Dennis

Gertrude Lawrence will open the season at Dennis, Mass., in "Private Lives," giving her proceeds for the week to the Allied Relief Fund. Paul Robeson will be seen in "Emperor Jones" in a number of the Summer theatres. "The Weak Link" and "Separate Rooms" are finding a place on several schedules. One of the theatres still to make an announcement is the late Alexander Dean's former stand, at Cohasset, Mass., which probably will be operated by Mrs. Dean. Joe E. Brown will be seen in

'Wife' Gets \$11,100 To Lead in Buffalo

BUFFALO, June 5.—"My Favorite Wife" and "The Saint Takes Over" drew a rousing \$11,100 at the Twentieth Century. "If I Had My Way" and "Double Alibi" were good for \$8,000 at the Lafayette.

Estimated takings for the week ending June 1:

"Lillian Russell" (20th-Fox)

"Tugboat Mickey" (RKO)

BUFFALO—(3,489) (30c-35c-55c) 7 days. D'Artega & orchestral ensemble in America Sings, with Gertrude Lutzi, Meyer Balsom, 5 Sophisticates of Song, Norman Wullen, George D'Anna and Anthony Mititello. Gross: \$12,200. (Average, \$12,000)

"Edison The Man" (M-G-M)

GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$7,700. (Average, \$7,500)

"Two Girls on Broadway" (M-G-M)

"Florian" (M-G-M)

HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$5,300. (Average, \$6,800)

"My Favorite Wife" (RKO)

"The Saint Takes Over" (RKO)

TWENTIETH CENTURY—(3,000) (25c-35c) 7 days. Gross: \$11,100. (Average, \$7,500)

"If I Had My Way" (Univ.)

"Double Alibi" (Univ.)

LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$8,000. (Average, \$6,300)

several places in "Elmer the Great" and Sinclair Lewis will return to playing his "Angela is 22" in several spots, including Maplewood. Sheila Barrett will make her non-musical stage debut at Clinton, Conn., in a new play, "Some Days You Don't," by Charles Schnee, which Alexander Kirkland hopes to bring to Broadway in the Fall. Erich Von Stroheim has signified his desire to appear in Summer theatres, and Bela Blau is interested in his appearing in "Margin for Error."

AMP A

takes extreme pleasure in having as guest of honor and principal speaker at this week's luncheon meeting—

SPYROS SKOURAS

whose message to the advertising and publicity men and women will be food for thought and thought for action!

+ A Surprise or two +

You're cordially invited but please come on time—we start serving at 12:45 sharp!

Thursday, June 6th at Jack Dempsey's Restaurant

50th Street and 8th Avenue

Members \$1.00—Non-Members \$1.25
Includes Tip

Frisco Gives 'Wife,' Show Fine \$25,100

SAN FRANCISCO, June 5.—"You Can't Fool Your Wife," supported by George White's Scandals on the stage, brought \$25,100 to the Golden Gate. "My Son, My Son" took \$12,500 at the United Artists.

Estimated takings for the week ending May 28-31:

"You Can't Fool Your Wife" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage, White's Scandals. Gross: \$25,100. (Average, \$15,000)
"21 Days Together" (Col.)
"Al! He's Making Eyes at Me" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$6,500. (Average, \$8,000)
"Waterloo Bridge" (M-G-M)
"On Their Own" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$13,500. (Average, \$16,000)
"Edison the Man" (M-G-M)
"Girl in 313" (20th-Fox)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$15,500. (Average, \$11,500)
"My Son, My Son" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: \$12,500. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
"Tear Gas Squad" (W.B.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 4th week. Gross: \$5,700. (Average, \$6,000)
"Typhoon" (Para.)
"Gangs of Chicago" (Rep.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$9,000. (Average, \$12,000)
"Louise" (Mayer-Burnstin)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$1,000. (Average, \$1,000)

Kuykendall Urges Rise In Admission

(Continued from page 1)

brand the bad pictures as well as the good, that is nonsense. Theatre patrons can tell a bad picture from a good one as well as you or I. Many who wouldn't go to see poor pictures at prevailing admissions would be induced to see them if a fair price differential was established, and just as many would pay the higher price to see the outstanding picture."

He said he does not believe conditions throughout the country warrant general increases in admission scales at this time, but from numerous talks with exhibitors from many sections of the country he does feel that the time is ripe for introduction of flexible admission scales.

Kuykendall said the M.P.T.O.A. has no definite plans now for a national convention this year but, depending on future developments, one may be held next Fall in Los Angeles.

He said the organization would continue its efforts to obtain trade practice concessions, convinced that a liberal cancellation right and provisions for arbitration or conciliation of trade disputes within the industry are essential to the welfare of all its elements. Kuykendall had been in Washington throughout the hearings on the Neely bill.

'U' Exchange Shifts

KANSAS CITY, June 5.—The Universal exchange here has put L. F. Durland, booker, on the road in the Southern Missouri territory as a salesman, and brought in Isadore Daynosky, formerly manager of the Regal, St. Joseph, Mo., to replace him as second booker.

House Group Will Revise Neely Bill By Subcommittee

(Continued from page 1)

be framed to meet the demands of public groups but will leave the interests of the independent exhibitor proponents to the Department of Justice.

It is considered probable that Rep. Herron Pearson of Tennessee may be named chairman of the redrafting subcommittee.

When the full Committee took the matter up after the 17-day hearings, there was some discussion about tabling the bill, but it was felt that to do so would merely serve to bring the question up again next year. The Committee then authorized Chairman Clarence F. Lea to appoint a subcommittee to revise the bill.

Conn. Allied Protests Chamber Neely Vote

NEW HAVEN, June 5.—Objecting to the opposition by the local Chamber of Commerce to the Neely bill, Allied Theatre Owners of Connecticut has addressed a letter of protest to Professor Raymond B. Westerfield, chairman of the chamber's legislative committee.

The letter declares that the committee decision was reached at a meeting at which no independent Connecticut exhibitors were present, and asks that the chamber suspend judgment on the matter until proponents of the block booking bill have been heard.

'Edison' at \$14,500 Pittsburgh Winner

PITTSBURGH, June 5.—Loew's Penn drew \$14,500 for "Edison the Man," while "Waterloo Bridge" took \$7,000 at the Warner.

Estimated takings for the week ending May 30:

"Lillian Russell" (20th-Fox)
ALVIN—(1,800) (25c-35c-50c) 7 days, 2nd week. Gross: \$6,500. (Average, \$7,000)
"Earthbound" (20th-Fox)
"On Their Own" (20th-Fox)
FULTON—(1,700) (25c-40c) 5 days. Gross: \$1,400. (Average, \$5,000)
"Edison the Man" (M-G-M)
LOEW'S PENN—(3,400) (25c-35c-50c) 7 days. Gross: \$14,500. (Average, \$13,000)
"Saturday's Children"
RITZ—(800) (25c-40c) 7 days, 2nd week. Gross: \$1,500. (Average, \$4,000)
"The Man With Nine Lives" (Col.)
"Island of Doomed Men" (Col.)
SENATOR—(1,700) (25c-35c-50c). Gross: \$1,700. (Average, \$3,000)
"Forty Little Mothers" (M-G-M)
STANLEY—(3,700) (25c-40c-60c). On stage: Jan Savitt's orchestra, Three Sailors, Toy and Wing, 7 days. Gross: \$11,000. (Average, \$17,000)
"Waterloo Bridge" (M-G-M)
WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week. Gross: \$7,000. (Average, \$5,000)

U.A. Gets L.A. Films

United Artists has closed for the Latin American rights to "Escandalo," produced in Chile by Jorge Delano, Emilio Taulis and Alfonso Merlet, and for four Spanish language films from Latin-American Productions, Inc., of which Geza P. Polaty is president and producer. The first is to be delivered Nov. 15, and they will be made in Cuba or Argentina.

Ad Agency Moves

Anderson, Davis & Platte, Inc., advertising agency for Alexander Smith & Sons Carpet Co., has moved from the RKO Building to 50 Rockefeller Plaza.

Seek Most Popular Doorman in Seattle

Seattle, June 5.—Hamrick-Evergreen circuit here is conducting a contest to select the city's most popular doorman, cashier and usherette from among the circuit's six theatres. Every theatre patron is entitled to a vote for his favorite with each paid admission during the week. The winners will receive cash prizes and vacation concessions.

Montague Pledges Col. Policies More Liberal Than Code

(Continued from page 1)

"We intend to continue selling that code of fair practice to our customers—not the printed code which has been shelved, but a code that will go even further in principle than that which was printed."

Several promotions and additions in the Western sales force were made known at today's session by Rube Jackter, assistant sales manager. Sam Cramer, accessories manager at Denver, was promoted to salesman, and Orville Miller, booker and office manager in Des Moines, was promoted to salesman. Additions to the sales staff included William Kahl, Chicago; Jack Shackelford, Kansas City; Fred Horn and Jack Tighe, Omaha, and Norman Newman, Los Angeles.

Jack Cohn, Columbia vice-president, left for New York by train tonight after addressing the meeting. Other speakers included Louis Weinberg and Louis Astor, circuit sales executives; Max Weisfeldt, George Josephs and Maurice Grad. Screenings and meetings of division and branch managers occupied the remainder of the day. The session is scheduled to close Friday.

Grierson Confers in Chicago with Cohn

CHICAGO, June 5.—John Grierson, Canadian Film Commissioner, conferred here today on distribution problems in Canada, with Jack Cohn, vice-president of Columbia.

'Doctor' Hits \$5,000 As St. Louis Slumps

ST. LOUIS, June 5.—Grosses in local theatres dropped sharply, only one house going over average. Inauguration of night baseball was partly responsible. "Doctor Takes a Wife" and "21 Days Together" drew \$5,000 at the Missouri.

Estimated takings for the week ending May 30:

"Typhoon" (Para.)
"La Conga Nights" (Univ.)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$9,500. (Average, \$11,500)
"Lillian Russell" (20th-Fox)
FOX—(5,038) (25c-40c-55c) 7 days. Gross: \$11,000. (Average, \$11,000)
"Edison the Man" (M-G-M)
"Over the Moon" (U. A.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$10,500. (Average, \$13,000)
"Doctor Takes a Wife" (Para.)
"21 Days Together" (Col.)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,000)
"Dark Angel" (U. A.)
"Next Time We Love" (Univ.)
ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: \$2,600. (Average, \$2,600)

Howards and 'Deacon' Top Loop Houses

CHICAGO, June 5.—"Alias the Deacon," aided by Willie and Eugene Howard on the stage of the Oriental drew \$16,000. "Typhoon" and "21 Days Together" scored \$12,500 at the Roosevelt.

Estimated takings for the week ending May 29-31:

"Biscuit Eater" (Para.)
APOLLO—(1,400) (35c-55c-75c) 6 days. Gross: \$5,200. (Average, \$6,500)
"Till We Meet Again" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Hal Kemp and Band. Gross: \$30,000. (Average, \$32,000)
"40 Little Mothers" (M-G-M) (3 days)
"Nazi Spy" (W. B.) (4 days)
GARRICK—(1,000) (35c-55c-75c). Gross: \$2,800. (Average, \$5,000)
"Alias the Deacon" (Univ.)
ORIENTAL—(3,200) (35c-55c-65c) 7 days. Stage: Willie and Eugene Howard. Gross: \$16,000. (Average, \$13,000)
"Typhoon" (Para.) (3 days)
"21 Days Together" M-G-M (4 days)
ROOSEVELT—(1,500) (35c-55c-75c). Gross: \$12,500. (Average, \$11,000)
"I Take This Woman" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Blackstone the Magician, Milt Britton & Band. Gross: \$16,000. (Average, \$15,000)
"Edison the Man" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 6 days. Gross: \$11,000. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-\$1.10-\$1.50) 7 days, 18th week. Gross: \$8,500.

Arnold Attacked At IA Convention

(Continued from page 1)

general and is "trying to destroy organized labor."

"The ignorance of the anti-trust division is colossal," Padway said, referring to Arnold's view that jurisdictional strikes are illegal. Padway cited the work of the I.A. in negotiating the closed shop agreement on the West Coast and efforts that led up to the signing of the contract by Joseph M. Schenck, then president of the Producers Association.

A time limit on the International president's "emergency" authority to assume absolute control over all local unions is expected to be proposed tomorrow on the convention floor. It was reported that the by-laws committee has been considering presenting an amendment setting a time limit on the "emergency."

Calling attention to the activities of Communists and "fifth columnists" in the United States, Matthew M. Levy, attorney for Operators' Local 306, New York, warned the delegates to be on guard against such activities within the I.A.

President George E. Browne was presented with an honorary life membership in the Theatrical Mutual Association by James Dwyer, Grand Lodge president, who said it was the first such membership awarded in 7 years.

Nick Aide Defeated

Clyde A. Weston, chief aide of John P. Nick, ousted "boss" of St. Louis operators' Local 143, was defeated for reelection as secretary of the nine-state Ninth District of the I.A.T.S.E. by a vote of district delegates here, it was learned today. He was defeated by Roy M. Brewer of Omaha. Weston had been secretary for the past 15 years.

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OL. 47. NO. 112

NEW YORK, U. S. A., FRIDAY, JUNE 7, 1940

TEN CENTS

Warner Asks All to Combat 'Fifth Column'

Warner Head Bans Reds, Nazis from Company

HOLLYWOOD, June 6.—Harry M. Warner, president of Warners, last night told a mass meeting of some 6,000 employees and their wives that no member of the German-American Bund, Communist Party, fascist organization or any other pro-American group would continue to work for Warners.



H. M. Warner

In a plea for a fight against the "Fifth Column," which, he said, was at work in the film industry, Warner warned against subversive interests at work, undermining the country's safety and appealed to the workers to turn information on "borers from within" over to Arthur Cornelius, Jr., local head of the Federal Bureau of Investigation, whom he introduced. Warner was loudly cheered when

(Continued on page 4)

Pittsburgh Meeting

Draws W.B. Forces

Warner home office executives will arrive over the weekend for Pittsburgh, where they will be joined by the sales forces from the East and Canada for the first of two regional sales conventions at the William Penn hotel, beginning Monday.

The second meeting, for the Southern and Western sales staffs, will be held at the Blackstone Hotel in Chi-

(Continued on page 6)

Col. to Release Five Top Films in Summer

CHICAGO, June 6.—Columbia will release five of its top productions during the mid-Summer season, from June 15 to Sept. 15, in line with its policy on cooperative exhibitor relations, Abe Montague, general sales manager, told the company's annual

(Continued on page 4)

British Production Not Entirely Halted By U.S. Companies

That British production has not been completely suspended by American companies was evident yesterday in statements from Paramount and Columbia that both have pictures under way in England.

David Rose is completing "Rings on Her Fingers" and has a second production in preparation for Paramount, and Columbia's "Freedom of Radio" was started about 10 days ago, with Anthony Asquith directing and Clive Brook and Diana Wynyard featured. Mario Zampi is producing.

M-G-M stated yesterday that the return of Ben Goetz and the suspension of its production activities in England follows the completion of "Busman's Honeymoon," starring Robert Montgomery. The next scheduled M-G-M picture in England is "Dr. Jekyll and Mr. Hyde," starring Robert Donat.

United Artists has had no recent report from Alexander Korda on his production plans in England. It is indicated unofficially, however, that since he plans to return here in about three weeks there is little likelihood that a new picture will be started prior to his departure.

Trendle Sues Para.

To Modify Contract

A test suit was filed yesterday in the U. S. District Court here by George W. Trendle of Detroit against Paramount Pictures and John H. King which asks the court to rule illegal an agreement restricting Trendle from opening theatres in the Detroit area.

The agreement, made in June, 1929,

(Continued on page 6)

I.A. Will Demand Only Its Members Project Pictures

LOUISVILLE, June 6.—A resolution authorizing the president and executive board of I.A.T.S.E. to take action to insure that all pictures made under I. A. jurisdiction are projected by I. A. members only was adopted unanimously by the biennial convention of the union here today.

Also passed was a resolution empowering the executive board to effect the complete unionization of motion picture theatres in New York City,

U. S. OPENS TRIAL EVIDENCE TODAY

Key City Price Boost Urged By Skouras

Declaring that no industry in the country sells its merchandise as cheaply as the film business, Spyros Skouras, head of National



Spyros Skouras

Theatres, urged an increase in admission prices, speaking at the Ampa luncheon at Dempsey's restaurant, yesterday, where he was guest of honor. Key city major theatres should charge at least 50 cents, he said, pointing out that in 1932-'33 there were 2,500 houses charging more than 50 cents, while today there are only 140 charging more than 40 cents. The rise he urges, Skouras contended, would help the subsequent runs and independent exhibitors, and encourage Hollywood to produce pictures which would make the industry self-sustaining in the United States.

Industry unity and close cooperation among all phases of the business

(Continued on page 4)

Pearson and Chadwick Are First Witnesses; Dismissals Sought

Elmer Pearson, former Pathe vice-president, will take the stand today in U. S. district court here as the first Government witness in the N. Y. anti-trust suit, Special Assistant Attorney General Paul Williams announced yesterday as Joseph Proskauer, Warner counsel, closed the opening statements for the defense. I. E. Chadwick, independent producer, will follow Pearson.

Independent exhibitors supporting the suit will be among the chief sufferers of a Government victory, Proskauer said after citing facts and figures to disprove a charge of monopoly.

Edward C. Raftery, attorney for United Artists, and Proskauer in behalf of Warners applied to Federal Judge Henry W. Goddard for a dismissal of the complaint against all officers and directors of the two companies. The applications will be decided simultaneously with a previous one made by RKO for similar relief.

Dismissal of the suit against Columbia was asked by Louis Frohlich, Columbia attorney, who claimed that the Government had precluded itself from pressing the suit by bringing the Interstate action against the majors in Texas.

Frohlich maintained that the Government should have brought up its present charges during hearings on the

(Continued on page 4)

Universal 6-Month Profit \$1,381,002

Reporting net earnings for the first half of its current fiscal year of \$1,381,002, Universal yesterday informed its stockholders that by next Sept. 1, it would be in a position to operate solely on domestic revenue.

The earnings figure is before Federal income taxes and special amortization reserve. It includes net profit of \$920,370 for the second quarter, ended April 27, and compares with net profit of \$739,578 for the first half of the preceding fiscal year. The profit of \$920,370 for the second quarter compares with net profit of \$581,587 for the corresponding quarter a year ago.

The company's special amortization reserve of \$5,000 weekly, set up at the outbreak of the European war, was

(Continued on page 7)

Three New Films Start B'way Runs

Two important additions to Broadway first runs will make their bow this morning with "Four Sons" opening at the Roxy and "Brother Orchid" going into the Strand. "Edison the Man" opened at the Capitol yesterday.

"My Favorite Wife" at the Music Hall led the Broadway parade with an estimated \$99,000 for the first week. It will be held over until June 13, when "Our Town" is scheduled to follow. Three films have finished three-week runs. At the Roxy, "Lillian Russell" with a stage show grossed an estimated \$26,000; "Torrid Zone" with Sammy Kaye's band on the stage took an estimated \$24,000 at the Strand, and "Waterloo Bridge" drew an estimated \$24,000 at the Capitol. The second week of "21 Days Together" grossed an estimated \$10,000 at the Rivoli.

B'nai B'rith Banquet Will Be Held Oct. 26

First annual banquet and ball of the Cinema Lodge of B'nai B'rith will be held Oct. 26 at the Hotel Pennsylvania, Arthur Sachson of Warners announced yesterday. A leading name band and performers in stage, screen and radio will provide the entertainment.

On the arrangements committee besides Sachson, who is chairman, are: Arthur Israel, Jr., Paramount; H. C. Kaufman, Columbia; Saul Immerman, Victor Blau, Music Publishers Holding Corp.; Joseph J. Lee, 20th Century-Fox; Adolph Schimmel, Universal; Harold Rodner, Warners; L. J. Schlaifer, U. A.; W. M. Horn, RKO; A. P. Waxman, Ascap; Jesse Block, Abe Lyman and Ted Lewis.

U. A. Fills Two Spots In Pre-Selling Setup

George Gumperts has been assigned the Hollywood special publicity and exploitation post in United Artists' new pre-selling field organization headed by Monroe Greenthal. George Shurr has been assigned to Boston, covering the New England territory.

Greenthal, now in Hollywood completing the staff of 15 field representatives, is due back here in about two weeks.

Lindy's
INC.

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(51st Street
Corner)

For over 20 years
the luncheon and
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Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES

from
San Francisco, California

Personal Mention

JOSEPH J. NOLAN, RKO vice-president and studio head, and **PERRY LIEBER**, studio publicity chief, left for the Coast by train last night.

R. J. O'DONNELL of Interstate Circuit will arrive in New York from Dallas today.

ALEXANDER KORDA is scheduled to arrive from Europe by *Clipper*, June 28.

PAT CASEY will leave for Indianapolis tomorrow.

LEONARD GOLDENSON and **SAM DEMBOW, JR.**, will leave Saturday for a week's visit in Minneapolis.

HARRY NACE of the Rickards & Nace circuit is visiting in New York.

A. M. NOYE, Brazilian manager for Columbia, will arrive from Rio de Janeiro on the *Uruguay* tomorrow for home office conferences and to attend the company's sales meeting at Atlantic City beginning next Tuesday.

FRED GULBRANSEN, RKO manager in Panama, leaves via plane today for his headquarters in Panama City after attending the company's sales convention here.

LOUIS MARCKS of the Strand, Westfield, Mass., was a visitor here this week.

JULIUS FRANKENBERG, research director of Mills Novelty Co., Chicago, is here on a business visit.

GARSON JAFFA, manager of Schine's Temple and State Theatres, Cortland, N. Y., was a visitor here this week.

HAROLD LANCASTER, assistant at the Strand, Pawtucket, R. I., is on vacation.

ALEXANDER HURWITZ, manager of the Strand, Taunton, Mass., has gone to the M. & P. Pawtucket house as relief assistant.

WALTER BROADWELL, poster artist for the Neighborhood Theatres, Richmond, is the father of a daughter, **SHANNON ANN**, born to Mrs. BROADWELL early this week.

DAVID O. SELZNICK, who arrived yesterday on the coast, will remain there at least one week before taking Mrs. SELZNICK and their children East for the Summer.

HAL HORNE, **A. YOUNG**, **ARTHUR GOTTLIEB**, **PHIL SPITALNY**, **ABE LYMAN** and **J. J. MILSTEIN** lunching at Lindy's (51st St.) yesterday.

FRANK W. LOVEJOY, president and general manager of Eastman Kodak Co., has received an honorary LL.D. degree from St. Lawrence University.

CHARLES SEGALL, Philadelphia independent exhibitor, recuperating from a serious illness, has announced his engagement to **NAN SINCO**. They will be married this month.

CHARLES SKOURAS of National Theatres is in Seattle on a tour of divisions, accompanied by **ANDREW KRAPPAN** and **WILLIAM LYRIS**.

VICTOR MEYER, manager of the Orpheum, New Orleans, is due in New York today.

MAX GOMEZ, RKO manager for Mexico, left yesterday by plane for his headquarters in Mexico City, following the sales convention.

MAX FELLERMAN, **ABE SCHNEIDER** and **M. J. WEISFELDT** lunching yesterday at Lindy's (next to the Rivoli).

GEORGE WEST, Monogram franchise holder, is on the Coast, expected to return in about two weeks.

ARTHUR KRIM, **SIDNEY PHILLIPS**, **MARTIN BECK**, **BARRY THOMPSON**, **LOUIS CALHERN**, **A. LEWIS** and **TED LEWIS** and **TED LLOYD** at Sardi's yesterday for lunch.

SAM DEMBOW, **JOSEPH MALCOLM**, **WILLIAM FITELSON**, **MARVIN SCHENCK**, and **E. C. GRAINGER** lunching at the Tavern yesterday.

ADOLPH ZUKOR, **WILLIAM F. RODGERS**, **ARTHUR TREACHER**, **GEORGE SKOURAS** and **TED O'SHEA** at Nick's Hunting Room in the Astor for lunch yesterday.

NAT RUBIN, Loew-Poli assistant in New Haven, is recuperating from an operation at Grace Hospital.

Newsreel Parade

First films of the evacuation of Allied troops from Dunkirk and their arrival in England arrived by Clipper late yesterday and are being shipped separately for inclusion in the week end issues. Contents of the release follow:

MOVIETONE NEWS, No. 78—Dress parade at Annapolis. Army recruiting William Green urges preparedness. American trial runs. Aquacade at the F. engoulee Dam nears completion. Dunkirk.

NEWS OF THE DAY, No. 276—Troops leave Dunkirk. U. S. recruiting underway. Green addresses union. Choose "Jun Week" girl at Annapolis. Beach fashions. Dog hunting.

PARAMOUNT NEWS, No. 81—Jo Louis and Arturo Godoy prepare for bout. Largest liner built here in trial runs. Green speaks in Washington. Mrs. Dwight Morrow discusses war. Troops leave Dunkirk arrive in England.

RKO PATHE NEWS, No. 93—Dunkirk pictures. Coulee Dam nears completion. King Victor Emmanuel at Italian art exhibition. Factory workers receive back pay, celebrate. Water steeplechase.

UNIVERSAL NEWSREEL, No. 882—Colonel Jouett seeks air supremacy. Arm recruiting drive launched. Navy yard increases personnel. School for air mechanics. World War aces hold reunion in Maine. Coulee Dam almost finished. Fast ions. Roller skiing in California. Godo in training. Baseball veterans play again Belmont racing.

Mexican Business

Good, Says Roberts

Theatres in Mexico are doing good business and new theatre construction there is under way in numerous localities, Charles Roberts, Columbia's Latin American supervisor, reported on his arrival from Mexico City yesterday.

Roberts said that Mexican production, however, is virtually at a standstill. This has created a problem for exhibitors who are required by law to give periodic playing time to Mexican pictures, and who, in order to comply with the law, are now obliged to run old films.

He reported that no official action had been taken on the trades unions' proposal to require American distributors in Mexico to invest the equivalent of 25 per cent of their profits in domestic production.

Shea on 'Westerner'

Joseph Shea left last night for Fort Worth to handle the premiere there of the Samuel Goldwyn-United Artist film, "The Westerner."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Schedule N. J. Allied Convention Sept. 25

Annual convention of New Jersey Allied will be held Sept. 25-27 in Atlantic City. The dates were set at a meeting of the organization yesterday at the Roger Smith Hotel in New Brunswick.

Warner Buys in Miami

MIAMI, June 6.—Major Albert Warner has purchased property consisting of 200 feet of frontage on both sides of Collins Ave. between 38th and 39th Sts., Miami Beach.

Curran to Des Moines

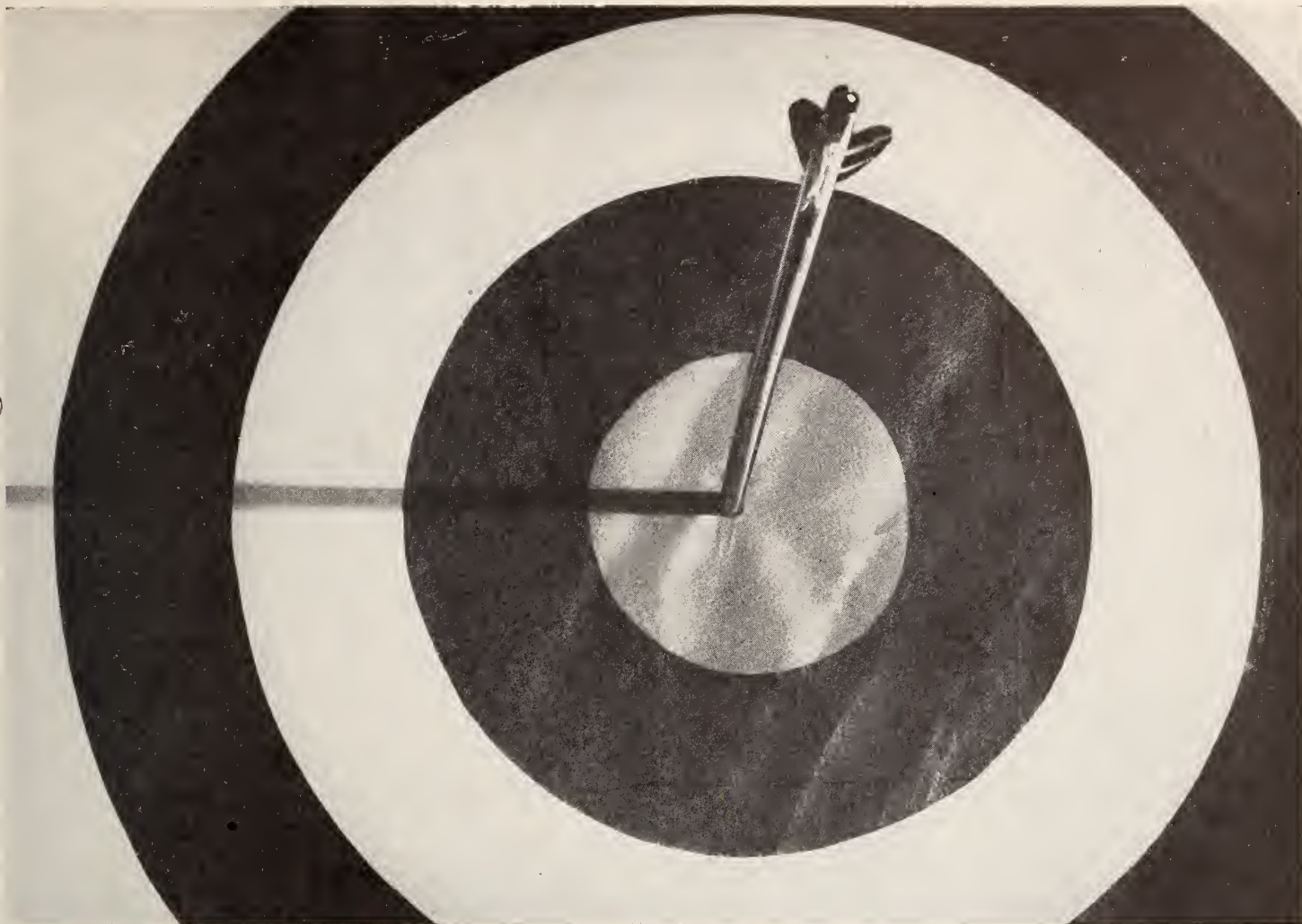
Charles Curran leaves today for Des Moines to handle special exploitation on the opening there of Warners' "All This and Heaven, Too."

Schenck Hearing Set For Next Wednesday

Joseph M. Schenck, chairman of the board of 20th Century-Fox, will be arraigned in Federal district court here at 10:30 A. M. next Wednesday for pleading in connection with the Government's recent indictment on income tax and other charges.

Smith as Toastmaster

A. W. Smith, RKO general sales manager, will act as toastmaster at the Buffalo Variety Club's testimonial dinner for Charles Boasberg and Elmer Lux June 24 at the Hotel Statler. Boasberg was recently promoted from Buffalo branch manager to Eastern Central district manager. Lux, a former Buffalo salesman, succeeds Boasberg as branch manager.



WHAT THE PUBLIC WANTS!

*3rd week!
and still
the BEST
IN TOWN!*

VIVIEN LEIGH • ROBERT TAYLOR
in M-G-M's
WATERLOO BRIDGE

CAPITOL
B'way & 51st St. • Major
Edward Bowes, Mng. Dir.

3 WEEKS NEW YORK
2 WEEKS WASHINGTON
2 WEEKS ATLANTA
2 WEEKS PITTSBURGH
2 WEEKS BRIDGEPORT
2 WEEKS HARTFORD
2 WEEKS NEW HAVEN
2 WEEKS MILWAUKEE
2 WEEKS SAN FRANCISCO
2 WEEKS LOS ANGELES
(playing two theatres, day and date)
2 WEEKS BOSTON
(playing two theatres, day and date)
2 WEEKS PORTLAND

with Lucile Watson, Virginia Field, Maria Ouspenskaya, C. Aubrey Smith • A Mervyn LeRoy Production • Screen Play by S. N. Behrman, Hans Rameau and George Froeschel • Based on the Play "Waterloo Bridge" by Robert E. Sherwood Directed by Mervyn LeRoy • Produced by Sidney Franklin • An M-G-M Picture

Pearson and Chadwick Are First on Stand

(Continued from page 1)

Interstate case since the conspiracy was "continuous." Judge Goddard ordered Frohlich to file a formal application for dismissal for consideration later.

Government complainants were either "egoists who are mad because the industry did not follow their wishes and left them behind" or "small men with grievances, seeking to get direct advantages for themselves," Proskauer declared. Elimination of block booking would place producers at the mercy of theatre owners in small towns where only one theatre existed, he said.

Acquired Circuit for Sound

Warners entered the theatre business in 1928 to exploit sound pictures after the company had pioneered in the development of sound, Proskauer told the court. The Stanley Circuit in Philadelphia was purchased by Warners because the company was faced with the alternatives of entering exhibition or "of being relegated to an inferior position."

Proskauer argued that a study of the sources of stars would definitely prove that "there could not possibly be a monopoly." Of the 66 players under contract with Warners in 1931, only three are still with the company, he said, "because all the others were hired away by competitors."

In discussing distribution Proskauer challenged the Government "to produce one word of testimony that there ever has been a denial of distribution facilities to an independent picture with box-office appeal."

As proof that the Government had overemphasized loans of talent between producers, Proskauer stated that Warners in the past four years had borrowed from other majors in only four instances. In the same four years Warners loaned 13 major players to independents, he added.

Cites Exhibition Figures

Taking up charges of monopoly in exhibition, Proskauer pointed out that the number of independent theatres in the past five years had increased 34 per cent. Of the estimated 19,000 theatres in the United States, Warners has 537, the five majors combined 2,400, unaffiliated circuits 4,000 and "utterly independent owners" 12,000, he continued.

No conspiracy can be made out of the purchase and sale of product by the five producer-exhibitors, Proskauer asserted. In 1939, he said, Loew's expended only 2.2 per cent of its total film payments for Warner product while the latter paid 21.3 per cent of its expenditures to Loew's.

The theatre patron has profited greatly under the present situation in the industry, Proskauer declared. Although the average cost of a producing a film rose from \$261,000 in 1933 to \$445,000 in 1938, the average cost to the patron was reduced from 37 cents to 30 cents, he stated.

Bertram Shipman, attorney for the Chase National Bank, spoke briefly, contending that the bank could not have participated in a conspiracy.

Canadian Theatres Cut Premier Clips

Toronto, June 6.—Because of criticism of Canadian Prime Minister Mackenzie King over Canada's war effort and demonstrations in theatres when his picture has been seen in newsreels, many circuits and unaffiliated theatres have deleted clips in which the Premier appears. Chairman O. J. Silverthorne of the Ontario Censor Board has been informed.

Warner Urges Ban On 'Fifth Column'

(Continued from page 1)

he made an announcement that no member of an un-American group would work for the company and then he added:

"If any person like those reprehensible foreign doctrines so well let him go back there. If he has not the money, tell him to come in to see me. I would rather use my money to send those persons back than to send 20 ambulances over there, as I did today."

Warner urged enactment of a law that all citizens of the U. S. working for an enemy country have their citizenship revoked and be deported to the country of which they are employees. Jack L. Warner opened the session. Another speaker was Robert E. Schless, Warners' European manager.

All Board Members Of Du Pont Reelected

WILMINGTON, June 6.—Directors of the DuPont Film Manufacturing Corp. were reelected at the annual stockholders' meeting here today. They are: T. C. Davis, A. B. Echols, H. C. Haskell, J. J. Moosmann, G. A. Scanlan, N. I. Steers and Robert R. Young.

The majority of the stock of DuPont Film is owned by E. I. DuPont De Nemours & Co. A substantial interest is owned by Pathe Film Corp. By virtue of the cumulative voting provision the DuPont company elected Echols, Haskell, Moosmann, Steers and Scanlan and Pathe Film elected Davis and Young.

I.A. Will Demand Only Its Members Project Pictures

(Continued from page 1)

ing the vacancy caused by the resignation of John P. Nick of St. Louis. Elected to the board of trustees were: William C. Scanlan, Lynn, Mass.; R. E. Morris, Mobile, and George W. Brayfield, Denver.

The convention unanimously adopted a resolution affirming the I. A.'s belief in the "honesty and integrity of William Bioff."

Resolutions referred to the incoming general executive board included the following: that I. A. support be given sound men in their basic agreements involving wage scales, hours and working conditions; to clarify Section

Col. to Release Five Top Summer Films

(Continued from page 1)

sales meeting in session at the Blackstone Hotel here today.

The five films are: "Arizona," produced and directed by Wesley Ruggles, starring Jean Arthur and William Holden; "Howards of Virginia," produced and directed by Frank Lloyd, with Cary Grant; "He Stayed for Breakfast," directed by Alexander Hall, starring Loretta Young and Mervyn Douglas; "It Happened in Paris," directed by Charles Vidor, with Brian Aherne and Rita Hayworth, and "Before I Die," to be produced and directed by Ben Hecht, starring Douglas Fairbanks, Jr.

Montague left for New York tonight to prepare for the company's second sales meeting, starting Tuesday at Atlantic City. Other home office executives will leave tomorrow.

Award Winners Announced

Rube Jackter, assistant sales manager, made known the awards winners in the Montague 15th anniversary sales drive, for the Central, Midwest and Western divisions. Awards to branch managers for contract liquidations during the 12-week drive went to: C. D. Hill, St. Louis, Central division; Phil Dunas, Chicago, Midwest division, and W. C. Ball, Los Angeles, Western division.

Awards to managers, salesmen, office managers and bookers for sales and liquidations during July 1, 1939, to May 10, 1940: Omaha, J. H. Jacobs, manager, and E. Dunas, F. Horn, J. Zide, R. Adler; Los Angeles, W. C. Ball, manager, and H. Wineberg, S. Fisher, H. M. Lentz, N. Newman, J. DeCosta, L. Beckner; Des Moines, M. H. Evidon, manager, and M. Goodman, A. B. Leak, O. Miller; Chicago, Phil Dunas, manager, and F. J. Flaherty, T. Greenwood, I. S. Joseph, C. Phillips, M. Delano, H. Couston; Minneapolis, H. J. Chapman, manager, and A. L. Aved, D. H. Conley, I. Marks, M. E. Mazur, M. W. Sgutt, W. Evidon, B. Landy; St. Louis, C. D. Hill, manager, and J. Bradford, C. S. Ferris, L. A. LaPlante, Russell Mortenson, H. J. Buschmann.

Awards on shorts and serials liquidations and personal awards to bookers: St. Louis, Russell Mortenson and Herbert Buschmann; Omaha, Robert Adler; Des Moines, Orville Miller.

Key City Price Boost Urged By Skouras

(Continued from page 1)

are vitally necessary in the present critical situation, Skouras said.

The inability of Hollywood to supply quality pictures in sufficient number to insure profitable theatre operation has forced exhibitors to use duals, giveaways, games and other means of box-office stimulus, Skouras said. Expressing his own opinion, he said, "I abhor duals." He described the use of giveaways as "disgraceful," but defended their use.

Citing the value of the 1938 campaign stressing the slogan, "Motion pictures are your best entertainment," Skouras suggested the establishment of a committee of advertising department heads to devise some method of driving the present "lethargy" out of the business.

He warned that the companies face a critical situation which may "put them into the red." Paying tribute to the constructive effort of the trade papers in the development of the industry, Skouras urged that they assist now in avoiding distrust and discontent among industry branches.

Noting that public interest is the industry's "greatest asset," the executive declared that the efforts of the advertising and publicity men were largely responsible for it, and, through their ingenuity, for the growth of the industry to the status and respect it has attained.

He declared the practice of local pre-release showings to be of excellent value in stimulating public interest in a picture, but he cautioned against the indiscriminate use of the practice on pictures that do not merit such attention.

Stage shows were forced out of the country's film houses by prohibitive labor costs, he said.

Skouras was introduced by Charles E. McCarthy, advertising and publicity director of 20th Century-Fox.

He was preceded by Charles Coburn, actor, who stressed the need of Summer theatres as a training ground for stage and screen talent.

'Heaven' at Advanced Prices at RKO Houses

All RKO circuit houses which play Warners' "All This and Heaven, Too" will show the film at advanced prices. The scale will be 55 cents and 75 cents for unreserved seats during the day, and 75 cents and \$1.10 for reserved seats at night.

Warners' field exploitation representatives met at the home office yesterday with RKO Theatres men to discuss plans for the roadshow engagements. Charles Einfeld, director of Warner advertising and publicity, and Mort Blumenstock, advertising and publicity head in the East, conducted the session. RKO men present were: Harry Mandel, advertising director for New York theatres; Mort Singer, Singer Circuit, Chicago; Tom Gorman, division manager, Chicago; and Victor Meyer, Southern division manager, New Orleans.

Showing Free Films

PICKERINGTON, O., June 6.—Free outdoor pictures are being shown on the high school campus each Saturday night, sponsored by merchants.

PACEMAKERS

ENDOWED with special abilities in their special fields, and governed by supercritical manufacturing controls, Eastman negative films set the pace for raw-film quality. They share with cameraman and processing laboratory the credit for the unprecedented photographic excellence of today's motion pictures. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*

Fort Lee

Chicago

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PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

'Torrid Zone' Pulls \$20,600, Philadelphia

PHILADELPHIA, June 6.—The box-office pulled out of the doldrums, "Torrid Zone" at the Earle, led with \$20,600. "Irene" gave the Boyd a nice \$14,100.

Estimated takings for the week ended May 29-31:

"Turnabout" (U.A.)
ALDINE—(1,000) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$5,100. (Average, \$8,000)

"Johnny Apollo" (20th-Fox)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd run. Gross: \$3,300. (Average, \$2,600)

"Irene" (RKO)
BOYD—(2,400) (32c-42c-57c-68c) 7 days. Gross: \$14,100. (Average, \$13,000)

"And One Was Beautiful" (M-G-M)
CARMAN—(2,500) (26c-32c-42c) 6 days. Vaudeville including Roy Atwell, the Canestrells, Bobby Lane & Edna Ward, Jim Penman, and DeVal, Merle and Lee. Gross: \$5,000. (Average, \$5,200)

"Torrid Zone" (W.B.)
EARLE—(4,000) (32c-42c-57c-68c) 7 days. Gross: \$20,600. (Average, \$14,000)

"20 Mule Team" (M-G-M)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$11,200. (Average, \$13,000)

"Florian" (M-G-M)
KARLTON—(1,000) (32c-42c-57c-68c) 5 days. Gross: \$1,500. (Average, \$3,000)

"Too Many Husbands" (Col.)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$4,600. (Average, \$4,500)

"Edison the Man" (M-G-M)
STANLEY—(3,700) (32c-42c-57c-68c) 5 days, 2nd week. Gross: \$7,700. (Average, \$14,000)

"The Human Monster" (Mono.)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$3,700. (Average, \$4,500)

Canadian Pioneers Has Travel Bureau

Canadian Picture Pioneers, affiliated with Picture Pioneers, of which Jack Cohn, Columbia vice-president and chairman of the board, is head, has arranged a tourist and travel information bureau for those in the film industry and relatives, according to Syd Taube, who is in New York on business. The bureau seeks to stimulate travel in Canada among members of the industry.

The Canadian branch of Picture Pioneers was organized about four months ago and held its first meeting last month. It has 103 life members. Clair Hague is chairman and Ray Lewis is secretary-treasurer. In addition to the travel bureau, the organization also is aiding the Red Cross drive. Hotel reservations, tours, trips and information are arranged by the bureau, Taube said, and pointed out that U. S. money is exchanged at a 10 per cent bonus in Canada.

'Russell' at \$8,600 Leads Indianapolis

INDIANAPOLIS, June 6. — "Lillian Russell" drew \$8,600 at the Indiana. "Edison, the Man" and "Babies for Sale," gave Loew's \$9,000.

Estimated takings for the week ending May 31:

"Saturday's Children" (W. B.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$4,000. (Average, \$6,000)

"Lillian Russell" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$8,600. (Average, \$5,000)

"Edison, the Man" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: \$9,000. (Average, \$7,000)

"Earthbound" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: "Vodvil Cavalcade." Gross: \$7,800. (Average, \$8,000)

W.B. Opens First Regional Meet in Pittsburgh Monday

(Continued from page 1)

cago, from June 17 to 19, inclusive.

Executives who will attend the three-day Pittsburgh meeting include: Major Albert Warner, Gradwell L. Sears, general sales manager, Joseph Bernhard, general manager of Warner Theatres, Charles Einfeld, advertising and publicity director; Carl Leserman, assistant general sales manager; Joseph S. Hummel, foreign manager for Latin America and the Far East; Robert Schless, European general manager; Mort Blumenstock, in charge of advertising and publicity in the East; Roy T. Haines, Eastern and Canadian sales manager; Ben Kalmenson, Southern and Western sales manager; Norman H. Moray, short subjects sales manager; Arthur Sachson, distribution executive; Al Schwalberg, supervisor of exchanges; Stanley Hatch, playdate department head.

Also from the home office will be: Mitchell Rawson, Gil Golden, Paul Lazarus, Jr., Sid Rechetnik and Lee Blumberg, all from the publicity and advertising department; I. F. Dolid and Charlie Kemke of the contract department; Charlie Bailey, assistant to Norman Moray, and Karl McDonald and G. R. Keyser of the foreign department.

The sales force attending will include: Ed Schnitzer, Eastern district manager with headquarters in New York, and his contingent; Albany—Paul S. Krumenacker,

branch manager, and salesmen George Goldberg and R. Struwe; Boston—Norman J. Ayers, manager; and B. Abrams, Carl Coe, William Horan, R. S. Smith and F. R. Meadow; Buffalo—salesmen L. Astrachan, H. G. Minsky and J. Zurich; New Haven—J. R. Mahan, manager; and Peter De Fazio, salesmen; New York—Metropolitan Branch—Sam Lefkowitz, manager, and L. Jacobi, I. Rothenberg, H. P. Decker, G. Solomon and J. C. Vergesslich and Phil Engel, field exploitation representative.

Robert Smeltzer, Central District manager with headquarters in Washington, D. C. and his contingent: Cincinnati—R. Kinsler, manager, and salesmen R. Burns, J. P. Elfert, J. Partlow and R. Salyer; Cleveland—Charles Rich, manager, and salesmen W. J. Brandt, Edward Catlin and Joe Minsky; Detroit—Fred E. North, manager, and salesmen S. D. Chapman, W. B. Collins and S. L. Gilbert; Philadelphia—William G. Mansell, manager, and salesmen Charles Beilan, D. M. Cooper and H. Bachman; Pittsburgh—Harry Seed, manager, and salesmen Charles Dortic, R. H. Dunbar, R. M. Lynch and F. D. Moore; Washington—F. W. Beiersdorf, manager, and salesmen G. F. Contee, Gerald F. Price, Sterling Wilson and Dick Hyland, field exploiter.

Wolfe Cohen, Canadian district manager with headquarters in Toronto and his men: Calgary—S. Pearlman, manager, and Harry Kohn, salesman; Montreal—P. Sherman, manager, and salesman I. Sourkes; Toronto—Joe Plottel, manager, and salesmen H. Law and R. W. Smith; St. John—L. McKenzie, manager; Vancouver—L. Coval, manager; Winnipeg—Lou Geller, manager, and salesman Frank Davis.

Theatre zone managers include: Nat Wolfe, Cleveland; I. J. Hoffman, New Haven; Don Jacobs, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington; Herb Copelan, Atlantic City.

Denver Gives 'Bay' An Average \$8,000

DENVER, June 6.—Opening of both amusement parks—Eltch and Lakeside—put a crimp in the grosses for the week with the result that none of the first runs was above average. "House Across the Bay" drew an average \$8,000 at the Denver.

Estimated takings for the week ending May 29:

"If I Had My Way" (Univ.)
"I Can't Give You Anything But Love." (Univ.)
ALADDIN—(1,400) (25c-40c) 7 days. "If I Had My Way" 2nd week. Gross: \$3,500. (Average, \$3,500)

"Rebecca" (U. A.)
BROADWAY—(1,040) (25c-40c) 7 days, 4th week. Gross: \$2,000. (Average, \$2,500)

"Buck Benny Rides Again" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: \$5,500. (Average, \$6,000)

"House Across the Bay" (U. A.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$8,000. (Average, \$8,000)

"My Favorite Wife" (RKO)
"Saint Takes Over" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days, 2nd week. Gross: \$7,000. (Average, \$8,000)

"Dark Command" (Rep.)
"On Their Own" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$3,500. (Average, \$3,500)

"Johnny Apollo" (20th-Fox)
"Cafe Hostess" (Col.)
RIALTO—(878) (25c-40c) 7 days, "Johnny Apollo" 3rd week. Gross: \$1,700. (Average, \$1,750)

On Columbus Board

COLUMBUS, O., June 6.—William Pullen, operating the neighborhood Linden, has been appointed a member of the licensing board to represent the exhibitor interests, in accordance with amendment to the ordinance governing operators passed by the City Council recently.

'Our Town' Is Hit in Boston With \$32,000

BOSTON, June 6.—"Our Town" at Loew's State and Orpheum, with "Forty Little Mothers" grossed \$32,500 at both spots. The Metropolitan, with "Lillian Russell" and "Biscuit Eater" had \$17,500.

Estimated takings for the week ending May 29:

"Mysterious Mr. Reeder" (Mono.)
"The Gaucho Serenade" (Rep.) 3 days
"It's a Date" (Univ.)
"Hidden Menace" (Alliance) 3 days
KEITH BOSTON—(3,200) (25c-35c-40c). Gross: \$7,400. (Average, \$8,000)

"Primrose Path" (RKO)
"You Can't Fool Your Wife" (RKO)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, "Primrose" 2nd week. Gross: \$14,500. (Average, \$16,000)

"Lillian Russell" (20th-Fox)
"Biscuit Eater" (Para.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$17,500. (Average, \$15,500)

"Saturday's Children" (W. B.)
"King of the Lumberjacks" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$6,000. (Average, \$7,500)

"Saturday's Children" (W. B.)
"King of the Lumberjacks" (W. B.)
FENWAY—(1,332) (25c-35c-40c-55c) 7 days. Gross: \$4,000. (Average, \$4,500)

"Buck Benny Rides Again" (Para.)
"Charlie Chan's Murder Cruise" (20th-Fox)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$4,500. (Average, \$4,000)

"Our Town" (U. A.)
"Forty Little Mothers" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$14,000. (Average, \$12,000)

"Our Town" (U. A.)
"Forty Little Mothers" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$18,500. (Average, \$17,500)

'Typhoon' Garners \$6,500, New Haven

NEW HAVEN, June 6.—"Typhoon" and "Opened by Mistake" were held for a nine-day run at the Paramount, with a \$6,500 take. "Torrid Zone," dualled with "An Angel from Texas," at the Roger Sherman, grossed \$6,500. The weather continued cool and rainy.

Estimated takings for the week ending May 31:

"Waterloo Bridge" (M-G-M)
"Blondie on a Budget" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$3,200. (Average, \$2,700)

"Lillian Russell" (20th-Fox)
"Girl in 313" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,200. (Average, \$8,000)

"Typhoon" (Para.)
"Opened by Mistake" (Para.)
PARAMOUNT—(2,348) (35c-50c) 9 days. Gross: \$6,500. (Average, \$4,000)

"Torrid Zone" (W. B.)
"An Angel from Texas" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$6,500. (Average, \$5,000)

Trendle Sues Para. To Modify Contract

(Continued from page 1)

sold the Detroit theatre interests of Trendle and King, then known as John Kinsky, with the provision that neither seller was to engage in the theatre business for 50 years in a radius of 150 miles, the complaint states. Plaintiff attacks the agreement as being unreasonable and in restraint of trade.

Suit petitions for an order declaring the agreement void or alternatively fixing the limits in which the plaintiff may operate theatres.

Trendle was in charge of the Paramount United Detroit theatres operations from 1929 until last year, when he resigned and was succeeded by Earl Hudson, the present operator for Paramount.

'Edison' at \$7,400; Seattle Takes Off

SEATTLE, June 6. — "Edison the Man" at the Fifth Avenue drew \$7,400 in a week of slow grosses. The weather was quite warm.

Estimated takings for the week ending May 31:

"My Favorite Wife" (RKO)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,800. (Average, \$4,000)

"Edison the Man" (M-G-M)
"Curtain Call" (RKO)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$7,400. (Average, \$7,000)

"The Man With Nine Lives" (Col.)
"Island of Doomed Men" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: \$4,100. (Average, \$5,000)

"Buck Benny Rides Again" (Para.)
"Honeymoon Deferred" (Univ.)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 4th week. Gross: \$3,200. (Average, \$4,000)

"Typhoon" (Para.)
"Marines Fly High" (RKO)
ORPHEUM—(2,450) (25c-40c) 7 days, 2nd week. Gross: \$4,800. (Average, \$6,000)

"Torrid Zone" (W. B.)
PALOMAR—(1,500) (25c-40c) 7 days. Vaudeville, featuring Jad Paule and Happy, Tom & Jerry. Gross: \$5,200. (Average, \$5,000)

"20 Mule Team" (M-G-M)
"Opened by Mistake" (Para.)
PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$5,800. (Average, \$6,000)

Sherwood-RKO Deal Negotiated by Jaffe

HOLLYWOOD, June 6.—Attorney William Jaffe of New York, of the firm of Rosenblatt & Jaffe, arranged the financing and releasing deal for Robert Sherwood with Columbia Pictures on "Legacy." Several New York banks are interested in the financing.

Showmanship Flashes . . .

Taylor Mustache Query Aids 'Waterloo Bridge'

Ben Serkovich, publicity director of the Capitol on Broadway, arranged a tieup on "Waterloo Bridge," under which Jimmy Jemal, conductor of the "Inquiring Photographer" column in the New York Daily News asked Capitol patrons leaving the theatre to comment on the new military mustache worn by Robert Taylor in the film.

Uses Guarantee to Sell 'It's a Date'

H. D. Grove, manager of the Fort in Rock Island, Ill., used "like it or money back" guarantee in his advertising on "It's A Date." He also had a girl in the lobby at a mimeograph machine, handing out color photos of Deanna Durbin, with a message on the reverse, headed "Guaranteed entertainment."

Baby Pictures Used For '40 Mothers'

In his campaign on "40 Little Mothers," Robert W. Brose, manager of the Oshkosh in Oshkosh, Wis., co-operated with local photographers, challenged residents to recognize published pictures of themselves as babies, with passes offered as prizes.

Doob 'Certificates' An 'Our Town' Plug

Oscar A. Doob, advertising and publicity director of Loew's Theatres, devised a novel stunt for the playing of Sol Lesser's U.A. film, "Our Town" at the Loew circuit houses. Certificates were sent to all film editors and critics, appointing them members of the "Editorial Board of Boosters" for "Our Town."

Tiein with Nela Park On 'Edison, the Man'

CLEVELAND, June 6.—In a tiein with Nela Park, famed laboratories of the General Electric Co., Loew's State sold 5,000 tickets to employees for "Edison, the Man." One day was designated "Nela Park Day" at the theatre.

Old Auto Is Ad for 'Buck Benny Rides'

DES MOINES, June 6. — Harry Holesberg advertised the showing of "Buck Benny Rides Again," at the Des Moines Theatre here with a single-cylindere 1902 Brush automobile driven about the streets. The car was covered with posters advertising the show.

Opera in Cincinnati

CINCINNATI, June 6. — Theatres again this year will experience outdoor competition from the Summer season of opera at the Cincinnati Zoological Gardens, which opens June 30, and continues through Aug. 10. It is a civic enterprise usually heavily patronized.

Buys Alabama House

DEMOPOLIS, Ala., June 6.—M. C. Webb of Demopolis has purchased the Marengo here from the Wilby interests. A. O. Dainswood will remain as manager for the time being.

Critics' Quotes . . .

"WATERLOO BRIDGE" (M-G-M)

The English action gives a brilliantly dramatic and tenderly sympathetic characterization. . . . Metro-Goldwyn-Mayer has made a compelling screen drama of the Sherwood play.—*Kate Cameron, New York Daily News.*

Beautiful, intelligent and touching, and fine entertainment finely directed by Mervin LeRoy. . . . With the possible exception of "Rebecca," no finer picture has come out of Hollywood this year.—*Lee Mortimer, New York Daily Mirror.*

Vivien Leigh is as fine an actress as we have on the screen today. . . . Robert Taylor, too, turns in a surprisingly flexible and mature performance . . . spans a dream-world of sentiment.—*Bosley Crowther, New York Times.*

An eloquent and moving romantic tragedy . . . a smooth piece of film making in any case, but it owes its chief distinction to Vivien Leigh's performance.—*Howard Barnes, New York Herald Tribune.*

"IF I HAD MY WAY" (Universal)

Will thrill countless admirers of Singer Bing Crosby by making him the foster father of Songstress Gloria Jean . . . very easy on the ear.—*Time.*

A poorly directed and boring script. A night club sequence, introducing such famous troupers as Eddie Leonard, Blanche Ring and Trixie Friganza, is of little help.—*Newsweek.*

"TORRID ZONE" (Warners)

The sort of picture that the public likes—adventure, romance and an atmosphere that is different . . . good entertainment and a credit to Warner Brothers.—*Louella O. Parsons, Los Angeles Examiner.*

Well loaded with many a sexy and flip crack . . . just as hot as the title implies, leaning much on the histrionic shoulders of Cagney and the innuendos hidden in the dialogue.—*Los Angeles Herald Express.*

As a scene-to-scene pastime, the picture will qualify, and audiences should derive a certain comfort from the early realization that the favorites they have to see will not depart one iota from type.—*Philip K. Scheuer, Los Angeles Times.*

"TURNABOUT" (Roach-UA)

The audience shouted with laughter and yelled with merriment over the preposterous situations . . . highly sophisticated farce . . . a grand job of directing.—*Louella O. Parsons, Los Angeles Examiner.*

Awfully wild stuff, but awfully funny . . . far from the so-called beaten path of the movies, and I'm certain that it carries enough novelty thoroughly to entertain you.—*Jimmy Starr, Los Angeles Herald Express.*

Out of the ordinary . . . some of it is immensely amusing, but the total effect of the production, as directed by Hal Roach, finds it spottily paced. Still it's worth seeing by all means.—*Harry Mines, Los Angeles Daily News.*

Many smashing moments for hilarity, and the ideas developed in the plot are hugely amusing . . . a picture that incorporates many gags, which are its mainsprings of amusement.—*Edwin Schallert, Los Angeles Times.*

"IRENE" (RKO)

Does not rate prolonged cheers. But spun out by the deft Wilcox touch, it is pleasant entertainment, as airy and filmy as the gowns in which pert Upholsterer's Apprentice Neagle dances her way into the heart of Madame Lucy.—*Time.*

This frothy story of an Irish mannequin who becomes the toast of New York is dated and leisurely but played with an ingratiating charm.—*Newsweek.*

"BUCK BENNY RIDES AGAIN" (Paramount)

Benny's newest film is by far and away his best to date. . . . Slapstick and horse opera are combined to good effect for several of the film's funniest sequences.—*Elsie Finn, Philadelphia Record.*

Only rabid Benny fans were in evidence at the opening. . . . A showman to his fingertips, Benny has the wit and wisdom to realize mock-modesty pays.—*Mildred Martin, Philadelphia Inquirer.*

If you like Jack on the radio, you'll go for Buck in the films, and vice versa . . . while amusing in some sectors, is not by any means another "Destry Rides Again." Its humor is broader, its tale thinner.—*Laura Lee, Philadelphia Bulletin.*

Filled with amusing and entertaining incidents. . . . Mark Sandrich gives just the right direction that this type of picture, which is his initial production, requires. It all spells amusement of the light and diverting type.—*Dorothy Guman, Philadelphia Daily News.*

If you can concentrate on the backgrounds, the music and the seasoned but amusing comedy of Rochester, you'll have fun. . . . For, if you have been attending the movies at all, you've seen the story.—*Philadelphia Ledger.*

Long Island House Open

The new 600-seat Beacon at 40th Ave. & 10th St., Long Island City, has been opened by the Ravenswood Realty Corp. Morris Kutinsker and Murray Schoen head the company.

Building House in Ohio

MILLERSBURG, O., June 6.—Mr. and Mrs. Hoy Russell, operating the Opera House, only theatre here, are building a new 500-seat house.

Remodel Loew's Sheridan

Loew's Sheridan at Seventh Ave. & 12th St. is being extensively remodeled. Project will be completed in about two weeks.

Metro Buys Original

M-G-M has acquired screen picture rights to "Thirty Thousand Horses," an original story for the screen by Robert Carson and Bartlett Cormack.

Theatre Changes

Acquire New York House

Gilded Enterprises, Inc., has acquired the Iris, 600-seat house at 1,763 Amsterdam Ave. B. D. de Gil is head of Gilded.

Plan Columbus Suburban

COLUMBUS, O., June 6.—One of the first theatres in Ohio to be equipped for television will be built in a suburban location here by Hal D. Dickinson. Estimated cost is given at \$75,000. Completion is set for Nov. 1. The house will be leased by W. J. Russell, who now operates the suburban Pythian and Columbia here.

Takes Missouri House

KANSAS CITY, June 6.—Elmer Bills, who operates theatres in Salisbury, Brunswick and Glasgow, Mo., is taking over the Casino, Boonville, Mo., from Mrs. Marion Miller.

Plan Charlotte House

CHARLOTTE, N. C., June 6.—The Little Theatre of Charlotte has announced plans for a new \$50,000 theatre here. Walter Hook, Charlotte architect, is drawing the plans.

Opens Windsor Theatre

TORONTO, June 6.—Simon Meretsky has opened the Park at Windsor, Ont. The house seats 800 and is the fifth theatre of the Meretsky group in Windsor, all of which are operated in partnership with Famous Players.

Universal 6-Month Profit \$1,381,002

(Continued from page 1)

increased by the Universal board of directors to \$8,000 weekly and made retroactive. Further changes are to be made in this reserve as conditions warrant, J. Cheever Cowdin, board chairman, stated.

After provision for this reserve the company's net earnings for the half-year period amount to \$1,173,002, before Federal taxes.

Despite lowered rates of exchange, the dollar volume of the company's foreign business during the six months period since the outbreak of the war was slightly ahead of the corresponding period of the preceding year, Cowdin said. Paying tribute to the sales organization headed by William A. Scully, vice-president and general sales manager, Cowdin pointed out that domestic contracts numbered more than 9,700 for the current season, compared with 8,400 for the preceding season. The increase is understood to represent almost \$3,000,000 in additional domestic revenue, bringing the company's gross rentals to approximately \$24,000,000.

Cowdin pointed out that the Universal management under Nate J. Blumberg, president, undertook a readjustment of operating conditions and costs more than 18 months ago; the effects of which leaves Universal now "with every expectation that starting Sept. 1 of this year the company will receive sufficient income from its domestic operations to continue to improve its position in the industry."

Universal registered a net reduction of its bank loans during the six months period amounting to \$1,381,745, and increased its net working capital by \$1,163,257. Cowdin said. Current bank loans amount to \$1,050,000.

Court Will Receive Majestic Plan Soon

CHICAGO, June 6.—The new reorganization plan for Majestic Radio & Television Corp. may be submitted to Federal Judge John P. Barnes in a few days, according to Leo T. Norville, Majestic attorney. Two-thirds of the 250 creditors have approved the plan, Norville said.

The plan provides for a new company with the same name with 80,000 shares of preferred stock and 1,500,000 one-cent par value common. Funded debt would be \$165,000 in five per cent 10-year debentures, with interest payable during the first four years only if earnings covered such interest.

Allen B. DuMont Laboratories, a Paramount affiliate, Allied International Investing Corp. and Automatic Products Corp. will underwrite the debentures for a combined fee of 82,500 shares of common. The latter two will receive 150,000 shares of common on their claims and all other creditors will get one share of preferred for each \$10 in claims. Old stockholders will get subscription rights. Opposition to the plan has been expressed by the S. E. C. and minority creditor groups.

AGVA Licenses 132 Agencies in 5 Cities

A total of 132 talent agencies and associates in five cities has been licensed by the American Guild of Variety Artists, it was revealed yesterday. The agencies are required to limit commissions to 10 per cent and agree not to represent non-A.G.V.A. members.

In New York, 17 agents and five associates have been franchised; 64 agents in Chicago; 10 in Pittsburgh; 26 agents and nine associates in Los Angeles, and five agents and one associate in Montreal. Applications from eight agents and four associates in New York are pending.

Releasing Corp. Sets English Distribution

Producers Releasing Corp. has closed with William J. Gell, managing director of Pathe Pictures, Ltd., London, for distribution of its product in the United Kingdom. The contract covers 20 features to be produced on the 1940-'41 schedule, and is for an extended period. Leon Fromkess, foreign manager of Producers Releasing, negotiated the deal. Gell has returned to Europe.

Producers has opened a branch office in Philadelphia with Herbert W. Given in charge and another in Kansas City with William Pincus as manager.

Harry Rathner, president of Producers, is on the Coast conferring with Sigmund Neufeld, chief of production.

Plan Safety Awards For Radio and Film

The C.I.T. Safety Foundation will make annual awards this year to a radio program, broadcasting station and institutional film. Applications for the awards must be filed before Jan. 15, 1941.

A bronze plaque will go to the radio program or series which best promotes safety, and another to the station which most effectively aids safety promotion.

Off the Antenna

WHEN regular telecasting starts over the new DuMont transmitter next Fall, two methods of transmission will be used. These will be both the 625-line with 15 frames per second, the standard which DuMont advocates, and 441-line with 30 frames per second, which is the Radio Manufacturers Association standard now used by NBC. Since a spare transmitter is required, it is planned to set one for 625 and the other for 441 transmission.

A program will be telecast with 625 lines and then repeated with 441 lines, it was said. This will give the public the opportunity of comparing both systems. The DuMont receivers can take both types.

Programs: *The Burns & Allen show now heard over CBS on Wednesdays under the sponsorship of Lehn & Fink will shift to a split NBC network July 6 and will be heard Mondays at 7:30 P.M., sponsored by the Hormel Co. . . . CBS will take over a former NBC feature, "Uncle Jim's Question Bee," as the Summer replacement for "Big Town," which will return to CBS in the Fall. . . . The "Columbia Gay Nineties Revue," which has been cut recently because of the war news, will be shifted to 11 P.M. Saturdays beginning June 8. . . . Postal Telegraph has renewed for 52 weeks for 25 station breaks weekly, a Sunday sports resume and three United Press news periods over WHN. . . . Dinah Shore, vocalist, will be heard in a new series over WJZ starting today at 10:15 P.M.*

International Silver Co. has renewed for another year over 27 CBS stations. "Fun in Print" is being used as the Summer replacement for the "Silver Theatre" which resumes in the Fall. . . . "I Love a Mystery" will leave NBC-Red on June 27 and will be resumed in the Fall on Mondays instead of Thursdays as at present. . . . T. R. Ybarra yesterday replaced John Gunther on NBC-Blue as commentator. Gunther leaves for Europe next week. . . . Jules Dundes, WABC sales promotion manager, has issued an interesting brochure on Larry Elliott, star of "The Rising Son." The brochure is available to agency and business executives.

Approval given by the Department of Justice to the "Pot o' Gold" has encouraged a similar radio "game" which is now heard on 84 stations. WNEW is the latest to use the show, "Pete's Money Box," in connection with the "Buck Rogers" serial beginning tomorrow at 9:30 A.M. and weekly thereafter. Telephones will be called and \$2.50 given to one child of the family when the telephone is answered. Other children in the family will receive a merchandise order for "Popsicles," which are advertised on the show.

Purely Personal: *Alvin Joseph, Jr., WOR special feature man, is writing a column "Authors on the Air" for the Saturday Review of Literature. . . . Gabriel Heatter, Mutual commentator, has been selected as the "Typical Radio Father of 1940" by the National Fathers Day Committee. . . . Wynne Murray, vocalist on the Fred Allen show, has been named "Americanism Girl" by students at John Marshall College. . . . Ruth Gordon will be guest of "Information, Please" next Tuesday. . . . Rex Schipp has been named business manager for WIRE, Indianapolis. . . . George Biggar has been appointed head of the WLW, Cincinnati, newsroom.*

David Sarnoff, RCA president, has been named an officer of the Legion of Honor. . . . Max J. Weiner, WNEW chief engineer, became father of a son yesterday. . . . Rudy Vallee will be guest of honor at the University of Maine's alumni banquet tomorrow. . . . Lawson Zerbe is now playing the male lead in "Strictly Business" over WJZ Fridays at 8 P.M.

As an inducement to encourage amateur participation in television, RCA has developed an inexpensive camera "eye" to sell at less than \$25. With the new equipment, a "ham" will be able to build a complete television transmitting and receiving system for less than \$300. The transmission uses 120 lines instead of the more familiar 441 lines, with a screen about 1½ inches square. The new equipment will be demonstrated for the press at RCA laboratories at Harrison, N. J., tomorrow.

Players at 'Safari' Providence Opening

PROVIDENCE, June 6.—The local public turned out in force today to greet Muriel Angelus, Lynne Overman and J. Carroll Naish on their arrival to attend the premiere at the Strand tonight of Paramount's "Safari."

The players were greeted by Mrs. J. F. Collins, wife of the Mayor, and Archibald Silverman and Edward L. Reed, owner and manager of the Strand, respectively, who are celebrating the theatre's 25th anniversary. A reception was held at the Providence Biltmore.

Republic Name Change

ALBANY, June 6.—Change of name has been filed by Republic Film Exchange, Inc., incorporated in New York. New corporate name is H. R. G. Corp.

'Princess' Settles Suit

Award after trial of \$500 was granted yesterday to Gloria Carruthers against Loew's by N. Y. Supreme Court Justice Isidor Wasservogel on the ground that the defendant had violated the N. Y. Civil Rights law. Justice Wasservogel ruled that the plaintiff's stage name, "Princess Zuleika," had been used by the defendant in its film, "Idiot's Delight." Complainant sought \$250,000 damages.

Frisco Ball Competes

SAN FRANCISCO, June 6.—Pacific Coast League baseball, with five night games a week, is breaking all records, drawing an average of 9,000 fans nightly, with larger crowds for the Sunday doubleheaders. The exposition's average attendance for the first seven days was approximately 65,000 daily.

'Torrid Zone' Minneapolis Best, \$6,200

MINNEAPOLIS, June 6.—Business was slow here. "Strange Cargo" opening at the Orpheum, got away with a good start, and with "Torrid Zone" for the other five days of the week led Minneapolis with \$6,200. "Edison the Man," at the (en)mount drew \$4,500.

Estimated takings for the week ending May 30:

Minneapolis:

"Angel From Texas" (W. B.)
"Teas Gas Squad" (W.B.)
"Shooting High" (20th-Fox)
"On Their Own" (20th-Fox)
ASTER—(900) (15c-25c) 7 days, dual bill split week. Gross: \$1,400.
"My Favorite Wife" (RKO)
CENTURY—(1,600) (25c-40c) 7 days, 2r week at State. Gross: \$4,500. (Average \$4,000)
"Saps at Sea" (U. A.)
ESQUIRE—(290) (25c) 6 days of 2nd week. Gross: \$700. (Average, \$1,000)
"Dr. Cyclops" (Para.)
GOPHER—(990) (25c) 7 days. Gross: \$4,000. (Average, \$2,500)
"Strange Cargo" (M-G-M)
"Torrid Zone" (W. B.)
ORPHEUM—(2,900) (25c-40c). Last 5 days of "Torrid," 2 days of "Cargo." Gross: \$6,200. (Average, \$5,500)
"Edison the Man" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: \$5,500. (Average, \$5,500)
"Beast of Berlin" (Ind.)
WORLD—(400) (25c-55c) 6 days. Gross: \$1,100. (Average, \$1,100)

St. Paul:

"Torrid Zone" (W. B.)
ORPHEUM — (2,000) (25c-40c) 7 days. Gross: \$3,800. (Average, \$4,000)
"Edison the Man" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$4,500. (Average, \$4,500)
"Dr. Cyclops" (Para.)
RIVIERA—(1,000) (25c) 7 days. Gross: \$2,300. (Average, \$1,800)
"Viva Cisco Kid" (20th-Fox)
"Ma, He's Making Eyes At Me" (Univ.)
TOWER—(1,000) (25c) 7 days, dual bill. Gross: \$1,800. (Average, \$1,800)
"Abe Lincoln in Illinois" (RKO)
WORLD — (400) (25c-55c) 7 days, 2n week. Gross: \$1,100. (Average, \$1,000)

England Exempts 8 Film Labor Groups

LONDON, June 6.—Eight different classes of film employes have been added to the list of reserved occupations, workers in which are exempt from military duty.

They include film directors, first assistants and producers (studio) and film directors, first assistants and producers (documentary), art directors, scenarists, and makeup artists.

The Rock Studios, which have until recently been under Ministry of Food Control, have been released and taken over by British National. Release was accorded John Corfield on an undertaking that they would be used for continuous production.

A war bonus of seven and a half per cent has been agreed to by the Scottish C.E.A. for its theatre employes.

Lee Morrison Dies

CLERMONT, Fla., June 6.—Lee Morrison, 61, local theatre owner, died at the home of his daughter, Mrs. Paul Campbell, at Ashland, Ky., where he had just gone for a visit following a heart attack.

Stewart in 'Story'

HOLLYWOOD, June 6.—James Stewart will star opposite Katharine Hepburn in "The Philadelphia Story," for M-G-M.

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PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 113

NEW YORK, U.S.A., MONDAY, JUNE 10, 1940

TEN CENTS

Warners Set 50 Features Next Season

*Includes Two Specials;
Open Meeting Today*

PITTSBURGH, June 9.—Warners will release 50 features during the 1940-41 season, of which 48 will be on the regular program, and two specials will be sold separately, the sales convention will be held tomorrow at the opening of the meeting here for the Eastern and Canadian sales staffs at the William Penn Hotel. The company scheduled 48 features for the current season.

The two specials will be "The Life of John Doe," to be produced by Frank Capra and Robert Riskin, with Gary Cooper and Barbara Stanwyck co-starred, and "The Man Who Came to Dinner," from the George S. Kaufman-Moss Hart stage play.

The feature lineup includes 17 novels and biographies, 12 stage plays and 11 original stories. The program will stress action, the convention will be informed in a message from Jack L.

(Continued on page 5)

IATSE on Record For 30-Hour Week

LOUISVILLE, June 9.—A resolution authorizing the I.A.T.S.E. executive board to negotiate for a 30-hour week in all future contracts was adopted at the closing sessions of the union's biennial convention here last week.

Current I.A.T.S.E. contracts for Hollywood members provide for a six-hour day and a 36-hour week.

Among other resolutions passed or referred to the board was one to reduce the I.A. per capita tax 25 per cent and another to grant all film exchange locals an "A" status.

Two resolutions of the West Coast delegation were voted down and a third

(Continued on page 6)

U.S. Presses Drive On Admission Tax

The Government drive for indictments against theatres, night clubs and ticket brokers for withholding taxes collected on tickets and food will be continued for an indefinite period, Jesse Moss, U. S. special assistant attorney general, declared over the weekend. Moss was named a special assistant to permit him to work through-

(Continued on page 6)

Circuit Heads Aid English Spy Drive

London, June 9.—Oscar Deutsch, chief of the Odeon circuit, has trained his employes in how to cope with spies and "Fifth Columnists." Trailers are being screened in Odeon houses to educate the public, and employes have been shown how to use a rifle. Posters may also be used—if Deutsch can get the paper!

Sidney Bernstein, chief of the Granada circuit, has agitated for the production of films to help fight parachutists.

Lea Heads Group Revising Neely Bill

WASHINGTON, June 9.—Rep. Clarence F. Lea of California, chairman of the House Interstate and Foreign Commerce Committee, has been designated chairman of a seven-member subcommittee which will draft an amended block booking bill as a substitute to the Neely measure. Four are Democrats and three Republicans.

Other members are Lyle Boren, Martin J. Kennedy, James P. McGranery, Charles A. Wolverton, Pehr G. Holmes and Carl Hinshaw.

The subcommittee is expected to start deliberations early this week in the hope of reporting back a measure in time for House action before adjournment.

SUIT SETTLEMENT DECISION NEAR

Circuits Hold Off on Summer Closing Plans

Radio and the late arrival of warm, sunny weather have upset most Summer closing schedules, a survey discloses. Most circuits are holding off the final decision until the schools close and the full impact on the box-office can be measured.

General public attention to war news over the radio has had its effect on grosses and business during the past month has been spotty. The continued cold and cloudy days in May tended additionally to keep receipts on a higher plane, it was said.

Theatre men feel that an important influence on Summer closings will be the industrial development during the next few months as a result of the national preparedness program. Factories which have been idle may boom suddenly as a result of orders for armaments and other supplies. At circuit offices it has been stated that decisions of the men in the field probably will be followed.

Paramount and Warners will follow

(Continued on page 9)

Divorcement and Consent Decree Are Believed Unlikely in Terms

Efforts to agree on a formula for settlement of the Government's New York anti-trust suit—instituted, this time, by the Department of Justice—were advanced over the weekend to a stage where it is being predicted that decisive action may materialize at a conference tomorrow.

Meanwhile, trial of the suit has been adjourned until Wednesday.

[In Washington it was said that conferences between Department of Justice officials and counsel for the companies involved do not presage immediate settlement of the case but, rather, are preliminary to a possible agreement during the Summer.

Indications are, said Washington, that the hearing will go on through June and, sometime toward the end of the month or at least before July 15, be recessed until Fall. During the recess, it is possible the basis for a consent decree will be worked out.]

Assistant U. S. Attorney General Thurman W. Arnold instituted the new settlement effort last week and sufficient progress had been made by Friday to warrant a request by the Government for the adjournment. Arnold and Paul Williams met with the chief counsel for the five theatre owning company defendants on Friday

(Continued on page 6)

Lohr Resigning as NBC Head, Effective July 12

Lenox R. Lohr resigned on Friday as president of NBC. The resignation is effective July 12, at which time the board of directors will name his successor.



Lenox Lohr

Lohr resigned to become president of the Chicago Museum of Science and Industry, a position left vacant by the death of Rufus Dawes.

David Sarnoff, RCA president and chairman of the NBC board, expressed his high regard for Lohr and the faithful services rendered

to NBC and the broadcasting industry. Sarnoff said that the resignation would be accepted at the next regular board meeting on July 12. Lohr was president four and a half years.

Lohr joined the Coast Artillery Corps in 1916 after graduation from Cornell University and attained the rank of major during the World War. Following the war, he taught electrical engineering and international law. From 1922 until 1929 he was executive secretary of the Society of American Military Engineers, a member of the Federal Board of Surveys and Maps and a member of the Commission of the War Memorial to American Engineers at Louvain. In 1929 he became general manager of Chicago's Century of Progress Exposition and on Jan. 1, 1936, assumed the post of NBC president.

Petrillo Slated As AFM President

CHICAGO, June 9.—Election of James C. Petrillo, head of the Chicago musicians' union, to the presidency of the American Federation of Musicians at the latter organization's annual convention opening in Indianapolis tomorrow is regarded as a certainty here in the event Joseph N. Weber decides to retire.

It was learned that there is a strong possibility that Joseph N. Weber will not be a candidate for reelection. He has been president 40 consecutive years.

INDIANAPOLIS, June 9.—The largest convention in the history of the American Federation of Musicians will get under way here tomorrow with more

(Continued on page 5)

Para. Sets Staff For Ad Campaigns

A field force of eight advertising consultants has been organized by Robert M. Gillham, Paramount advertising and publicity director, to handle special campaigns on the company's top-bracket new season product.

The new force will begin functioning about July 1, with headquarters in the offices of Paramount's eight district sales managers. The consultants will cooperate with exhibitors, local advertising men and the company's sales executives, working under the district managers. Their regional activities will be coordinated by Alec Moss, Paramount home office advertising manager.

The field men and the territories to which they have been assigned are: Don Chambers, Boston; William Brooker, Philadelphia; J. Maxwell Joyce, Cleveland; Clinton Bolton, Atlanta; William Landsburg, Kansas City; Carl Kreuger, Chicago; Jack Daily, Dallas, and Ralph Ravenscroft, Los Angeles.

Kuykendall Urges U. S. Defense Aid

Approximately 9,000 theatres throughout the country are urged in a letter from Ed Kuykendall, M.P.T.O.A. president, to cooperate with other industry elements and the Government in furthering the national defense plan.

"In order that nothing be left undone that will tend to aid in the preparation of our country for any possible emergency and in order that we may do our part in keeping the public informed with Governmental plans and activities along this line," the letter to exhibitors states in part, "I earnestly urge that every newsreel containing such information be given a full and complete showing at each performance."

A. G. V. A. Threatens Philadelphia Strike

PHILADELPHIA, June 9. — Tom Kelley, executive secretary of the A.G.V.A. local here, set tomorrow as the deadline for agents to accept booking franchises from the actors' union, calling a strike against those agents failing to do so.

After that date no A.G.V.A. member will be permitted to work for an agent not franchised, the union also picketing the offices of those agents. Officers of the Entertainment Managers' Association, independent local of agents, said they welcomed the strike, claiming that the A.G.V.A. franchise stipulations are in violation of the Pennsylvania State License law.

Testimonial for Bruder

CHICAGO, June 9.—Roy Bruder, who resigned as manager of the B. & K. Chicago Theatre to enter the bowling alley and amusement business in East St. Louis, Ill., with John Perkins was given a farewell dinner late last week.

Basil in Altec Deal

Basil Bros. Theatres has renewed Altec service agreements for Basil Theatres in Buffalo and Niagara Falls. A. J. Rademacher negotiated for Altec.

Personal Mention

BEN GOETZ and **ROBERT T. KANE**, in charge of M-G-M and 20th Century-Fox production in England, respectively, arrived yesterday on the *President Roosevelt*.

ROGER C. CLEMENT, Paramount home office attorney, has returned to his office recovered from a recent illness.

BENJAMIN MIGGINS, European division manager for 20th Century-Fox, and **MRS. MIGGINS** are in Madrid.

CLARENCE A. HILL, son of the assistant to **WILLIAM SUSSMAN**, Eastern division manager of 20th Century-Fox, will enter the Naval Academy at Annapolis next month.

SIDNEY LEVINE of the Warner New Haven exchange is the father of a boy, born late last week to **MRS. LEVINE** at Grace Hospital. **NAT FURST**, Monogram division manager, Boston, is the baby's grandfather.

MILTON L. WAINSTEIN, manager of the Plaza, Northampton, Mass., and **MRS. WAINSTEIN**, were visitors here late last week.

NED S. SECKLER sailed on the *Quirigua* Saturday for San Juan, Puerto Rico, to open a territorial office for RKO. He was formerly representative in Havana.

A. J. CRONIN is spending the Summer in the East.

JOSEPH M. SCHENCK, 20th Century-Fox board chairman, is due from the Coast early this week.

IRVING LUDWIG has resigned as manager of the Eighth Street Playhouse. He formerly was at the Rivoli.

PHIL HIRSH, manager of the Spruce, Philadelphia, and **MRS. HIRSH**, and **DAVID LEVIN**, manager of the Pike there, and his daughter have started a five-week tour of the country.

BLANCHE SHERMAN, secretary to **MAXWELL GILLIS**, manager of the Republic exchange in Philadelphia, will be married to **DR. LEON COHEN** next Sunday.

ELSIE SICER has resigned from the RKO exchange in Philadelphia to accompany her husband to the Coast.

EUGENE DUBARRY, manager of the Lincoln, New Haven, which has closed for the Summer, and **MRS. DUBARRY** are New York visitors.

E. S. YOUNG, operator of the Central in Kansas City, made a hole-in-one at the Stayton Meadows course.

SHIRLEY GERELL of the RKO New Haven exchange, leaves for a vacation June 16.

HANK LINET of Universal has contracted to teach **W. J. HEINEMAN** the finer points of fishing.

Confirm Davidson as Educational Trustee

Appointment of **James A. Davidson** as trustee of Educational Pictures, Inc., was confirmed on Friday in a decision of Federal Judge Edward A. Conger which denied an application to remove Davidson from office.

Judge Conger, in overruling objections to Davidson by a number of creditors, characterized the trustee as "impartial." The application had sought to upset the selection of the trustee by Referee John E. Joyce on the ground that Davidson was a former employee of Grand National Pictures, a subsidiary of Educational.

Income Tax Review Sought by Schenck

WASHINGTON, June 9.—Redetermination of income tax deficiencies of \$283,082 assessed by the Commissioner of Internal Revenue against his income taxes for 1935 and 1936 has been asked of the Board of Tax Appeals by **Joseph M. Schenck**, 20th Century-Fox board chairman.

The application deals with matters entirely apart from those involved in the charges on which he was indicted in New York last week.

John Cohen Dies

ATLANTA, June 9.—**John Sanford Cohen, Jr.**, 41, film critic for the *New York Sun* from 1927 to 1933, died here Friday after a long illness. After leaving the *Sun* because of poor health, he joined NBC in Chicago as a writer but was compelled to resign because of illness a year later.

Metro Waives Quota Right on War Shorts

LONDON, June 9.—A quick solution of the problem of the Ministry of Information's "security" shorts and their relation to quota has been supplied by Metro, which is distributing them. The company has agreed to waive all quota rights on the films and not count them against their foreign footage.

This ends the agitation of the documentary and shorts producers against their registration by the Board of Trade. Concern that other films sponsored by the Government may be counted for quota still remains.

Hear English Tax Proposals Today

LONDON, June 9.—The executive officers of the Cinematograph Exhibitors Association and Kinematograph Renters Society met Friday to complete and send to the Government a memorandum embodying their suggestion as to the application of the new purchase tax on the industry.

Tomorrow, representatives of the two trade bodies will hear the Government's plan. It is expected the trade will ask admission increases equivalent to the amount of the tax as the most practicable method.

James Hall Dies

James Hall, 39, featured player before the advent of sound films, died at the Jersey City Medical Center Friday. Hall had been working recently as a master of ceremonies in various night clubs in New York and New Jersey. His best known film was "Hell's Angels."

Leave Today for Columbia Regional

Home office executives and the New York exchange staff of Columbia will leave today for Atlantic City to attend the second and final company regional sales convention at the Ritz Carlton Hotel. The meeting, opening tomorrow, will run four days. The men will be given details of the new season product.

Executives attending will include **Jack Cohn**, **Abe Montague**, **Rudolph Jackter**, **Abe Schneider**, **N. B. Spingold**, **Louis Astor**, **Louis Weinberg**, **Max Weisfeldt**, **Maurice Bergman**, **L. Jaffe**, **M. Grad**, **M. Wormser**, **G. Josephs**, **W. Brennan**, **V. Borrelli**, **J. Freiberg**, **S. Raisler**, **T. McCue**, **I. Sherman**, **L. Malamed**, **A. Seligman**, **F. McGrann**, **Al Sherman**, **J. Segal**, **C. Roberts**, **A. Picker**, and foreign representatives, **Joseph Friedman**, managing director for Great Britain; **A. M. Noyes** of Brazil, and **H. Prosdoci** of Panama.

Delegates from the following 16 branches will be represented at the convention: New York, New Haven, Boston, Albany, Buffalo, Philadelphia, Washington, Pittsburgh, Cincinnati, Cleveland, Atlanta, Charlotte, Memphis, New Orleans, Dallas and Oklahoma City.

Last Republic Meet Opening Tomorrow

The fourth and final Republic regional sales meeting will be held at the Park Central Hotel here, tomorrow and Wednesday. **James R. Grainger**, president, who returned Saturday from the third meeting, in Chicago, will preside. In attendance will be, in addition to home office personnel, franchise holders, branch managers and salesmen from the Eastern branches.

Herbert J. Yates, head of Consolidated Film Industries, who attended the first two meetings, at San Francisco and Memphis, returned to the Coast from the Southern city, and will not be present at the sessions here.

Among those present in Chicago were: **John Balaban** of Balaban & Katz; **Jules Rubens**, Great States Theatres and **Edward Silverman** of the Essaness Circuit. The Republic delegates included managers, salesmen and bookers from Chicago, Milwaukee, Indianapolis, Des Moines, Omaha, St. Louis and Kansas City.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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The Mortal Storm

BY THE AUTHOR



"MORTAL STORM" BEST SELLER! BEST PICTURE!

"I'm delighted," says Phyllis Bottome, the author. "M-G-M has done a splendid job in the picturization of my book, 'THE MORTAL STORM.' It was an exciting experience to see it on the screen."

starring
MARGARET SULLAVAN • JAMES STEWART
ROBERT YOUNG • FRANK MORGAN

with Robert STACK • Bonita GRANVILLE • Irene RICH • Maria OUSPENSKAYA
William T. ORR • Gene REYNOLDS • A FRANK BORZAGE Production

Screen Play by Claudine West, Andersen Ellis and George Froeschel • Based on the Book by Phyllis Bottome
Directed by FRANK BORZAGE • A Metro-Goldwyn-Mayer Picture •



Warners Set 50 Features Next Season

(Continued from page 1)

Warner, vice-president in charge of production.

The following pictures are included in the new season's schedule:

"The Story of Knute Rockne," starring Pat O'Brien, directed by Lloyd Bacon, script by Robert Buckner.

"City for Conquest," starring James Cagney and Ann Sheridan, from the novel by Abem Kandel; to be directed by Anatole Litvak.

"The Story of John Paul Jones," starring James Cagney, from the Clements Ripley story.

"No Time for Comedy," based on the S. N. Behrman play, with James Stewart, Rosalind Russell and Charles Ruggles, directed by William Keighley.

To Film York Story

"The Amazing Story of Sergeant York," with the World War hero as technical adviser.

"The Lost Battalion," World War story based on the book by Thomas M. Jackson and Fletcher Pratt.

"Captain Horatio Hornblower," starring Errol Flynn, from C. S. Forester's book of the days of Nelson.

"Honeymoon for Three," from the Broadway comedy by Allen Scott and George Haight, to star George Brent, Olivia de Havilland and Priscilla Lane.

"Mr. Skeffington," based on the book by Elizabeth, starring Bette Davis.

"Santa Fe Trail," original romance of the old West, with Errol Flynn starred.

"High Sierra," starring Paul Muni, based on the W. R. Burnett novel first published in *Redbook Magazine*.

"Calamity Jane," starring Bette Davis in a Western story.

"The Constant Nymph," from the novel by Margaret Kennedy and the stage adaptation by Basil Dean, with a starring cast headed by Errol Flynn and Olivia de Havilland.

"Four Mothers" Scheduled

"Four Mothers," sequel to Fannie Hurst's "Four Daughters," with the same cast: Priscilla, Rosemary and Lola Lane, Gale Page, Jeffrey Lynn, Claude Rains, Frank McHugh and May Robson.

"King's Row," from the Henry Bellamann novel of a small American town.

"The Fabulous Thirties," from an original by Mark Hellinger.

"Danger Signal," based on the romance by Phyllis Bottome.

"Jupiter Laughs," starring Errol Flynn in the A. J. Cronin play.

"The Man from Fleet Street," starring Edward G. Robinson in the story of the career of Julius Reuter, news agency founder, with Edna Best, Otto Kruger, Eddie Albert and Dickie Moore, directed by William Dieterle.

"The House on the Hill," Somerset Maugham novel, first published in *Redbook Magazine*.

"Male Animal" on List

"The Male Animal," adapted from the Broadway play by Elliott Nugent and James Thurber.

"January Heights," from Polan Banks' novel.

"Quietly My Captain Waits," from Evelyn Eaton's novel of France, Literary Guild June selection.

"They Died With Their Boots On,"

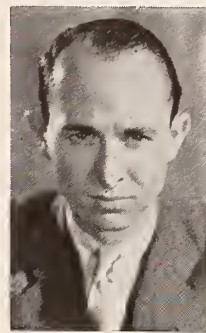
Warner Heads at Meeting in Pittsburgh



ALBERT WARNER
Vice-President
and Treasurer



G. L. SEARS
General Sales
Manager



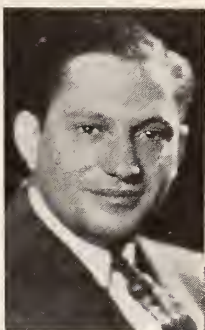
CARL LESERMAN
Assistant Sales
Manager



CHAS. EINFELD
Director Publicity
and Advertising



ROY HAINES
Eastern Sales
Manager



BEN KALMENSON
Western Sales
Manager



NORMAN MORAY
Short Sales
Manager



M. BLUMENSTOCK
Advertising and
Publicity, East

starring James Cagney, based on Thomas Ripley's story of the Texas desperado, Wes Hardin.

"Montana," based on C. B. Glasscock's book, "The War of the Copper Kings."

"Stuff of Heroes," from the story by Harold Titus which appeared in the *American Magazine*.

"Shanghai," by Somerset Maugham, starring Errol Flynn

"Fiesta in Manhattan," starring John Garfield, from Charles Kaufman's novel.

"The Full Life," from Katalin Gero's Hungarian novel.

"The Woman Brown," from the play by Dorothy Cumming McNab.

Fodor Mystery Included

"Footsteps in the Dark," mystery based on a London play, adapted by Jeffrey Dell and Bernard Merivale from the Hungarian play by Ladislaus Fodor.

"The Weak Link," from Allen Wood's Broadway comedy.

"The Frontier Doctor," starring Paul Muni, based on Urling C. Coe's autobiography.

"Thieves Fall Out," from the stage play by Alice McKenzie and John Hayden.

"Tugboat Annie Sails Again," by Norman Reilly Raine, with Marjorie Rameau in the title role, and Alan Hale, Ronald Reagan and Jane Wyman.

"The Dealer's Name Was George," from Ketti Fringe's story of New Orleans, to be published in *Good Housekeeping*, to star George Raft.

Wallis Executive Producer

"Happiness," from the Mildred Cram story which appeared in *Ladies' Home Journal*.

"Sam Colt, Trigger Man," from an original by Michael Simmons.

Hal B. Wallis will act as executive producer for the majority of the pic-

Speeches by Phone

Hollywood, June 9.—Harry M. Warner, president; Jack L. Warner, in charge of production, and Hal Wallis, executive producer, will address the company's Eastern sales meeting in Pittsburgh tomorrow by trans-continental telephone from here. A public address system will carry their voices to the delegates.

tures. Associate producers include: Bryan Foy, Henry Blanke, William Cagney, Robert Fellows, Edmund Grainger, Mark Hellinger, David Lewis, Robert Lord, Wolfgang Reinhardt and Harlan Thompson.

The meeting here, which will conclude on Wednesday, will be followed by another for Western and Southern sales staffs, at the Blackstone Hotel, Chicago, June 17-19.

'Heaven' Sold Out for Carthay Circle Opening

The world premiere of Warners' "All This and Heaven Too" at the Carthay Circle in Los Angeles on Thursday is a sellout, according to Gradwell L. Sears. The roadshow engagement will be at \$2.20 top.

Among other special engagements, Edward M. Fay's *Majestic* in Providence will open the film for an indefinite run June 27 with two performances during the day from 11 A. M. to 5 P. M., priced at 50 cents and 75 cents. The evening performance at 8:30 P. M. will be at \$1.10 for reserved orchestra seats and 75 cents for the unreserved balcony.

In Kansas City the film will open an indefinite roadshow engagement at the Orpheum June 26 at 55-75 cents matinees and \$1.10 top evenings.

Petrillo Slated As AFM President

(Continued from page 1)

than 700 delegates expected to be present. It will be the 45th annual convention.

Principal questions up for consideration are radio agreements, traveling band regulations, election of officers, a new agreement with the I.A.T.S.E., and methods of increasing employment for musicians.

Indications are that the musicians will approve continuation of their present arrangement with radio stations, which is on a local basis. Although the I.A.T.S.E. agreement on mutual cooperation is due for revisions, it is not likely that the convention will do more than authorize the executive board to effect the changes by negotiation after the convention.

Weber's extensive treatment in his report of the traveling bands problem indicated that it will be a major topic of discussion again. Weber, in his report, pointed out that the feud between local organizations and traveling musicians is an old one and recommended that the present situation be continued.

Officers will be elected Friday. Weber has indicated that he will preside at the sessions.

Sues on Premiums

Claiming infringement of "Encyclopedia Night," used to promote attendance at theatres, Premium Promotion Syndicate, Inc., has filed suit in the N. Y. Supreme Court against Price Theatre Premiums Corp. and asked for an injunction and \$25,000 damages. Plaintiff claims that he originated the idea in 1939 of distributing encyclopedias to theatre patrons.

Decision on Settlement of Suit Is Near

(Continued from page 1)

and, following a preliminary exchange of views on conditions of a settlement, is understood to have left for Washington over the weekend to obtain the opinion of Department of Justice officials there on the views developed at Friday's meeting.

Another meeting of the defendant companies' counsel with Arnold and Williams is scheduled for tomorrow at which it will be decided whether an accord can be reached on negotiating a settlement. It was said that there is already a meeting of minds on a number of points.

MOTION PICTURE DAILY has consistently reported efforts to achieve a settlement of the suit, as recently as last Tuesday after the trial opened, indicating in a Washington dispatch that renewed efforts were to be expected.

Government's Aims

The companies are insisting that there shall not be any divorcement of theatres, and the Government has agreed that the defendants need not divest themselves of theatres so long as they play their own product.

The Government, in the settlement negotiations, is understood aiming at a fair trade practice code which will embody arbitration and provide for solution of shorts "forcing," overbuying, and other causes of exhibitor complaints. Another aim is decentralized selling, whereby there will be competitive bidding for product locally, without affecting the right of producers-distributors to show their product in their own houses.

The arbitration machinery, the Government believes, should be set up by the court and made permanent. The code would be given a probationary period, subject to further negotiations or future Government action, the Government intends.

The Department of Justice tends to the view that a fair settlement would be preferred to a long and costly litigation, which may not be finally determined in the courts for four years.

"No Divorcement"

In the exchange of views at Friday's meeting, it is understood that the defendant companies represented were unanimous that no settlement involving divorcement of their theatres would be considered. Beyond that, three of the five, namely, Loew's, Warners and RKO, indicated that they would accept a consent decree embodying trade practice concessions as a basis for a settlement. Twentieth Century-Fox is reported to have expressed itself as being amenable to a consent decree providing its terms were patently of a kind that the company was certain it could live under. Paramount reportedly rejected any settlement predicated upon a consent decree but expressed itself as willing to become a party to some fair trade practice code embodying film selling concessions desired by the Government and provisions for the arbitration of trade complaints if the suit is withdrawn.

United Artists, Universal and Columbia, not having been represented at

Hollywood Review

"The Ghost Breakers"

(Paramount)

HOLLYWOOD, June 9.—This Bob Hope-Paulette Goddard mystery comedy is all that their "Cat and the Canary" was and more. It is in the same vein but faster and funnier. It's packed with crisp and witty dialogue which crackles steadily over a thriller-chiller ghost story that rears its shuddery significance just often enough to maintain plot tension. The film gave the Hollywood preview crowd its most unanimously enjoyable evening in weeks.

Bob Hope, good in "Cat and the Canary" and better in "Road to Singapore," excels both of these humorous exhibitions in this casting. Miss Goddard, whose widely photographed proportions are generously, although incidentally displayed, discharges most capably the feminine lead, Paul Lukas is suitably mysterious as a suspected plotter and Willie Best, as Hope's man-servant, supplies highly effective secondary comedy. Pedro de Cordoba, Virginia Brissac, Noble Johnson, Anthony Quinn, Tom Dugan, Paul Fix and Lloyd Corrigan are others in the cast.

Produced by Arthur Hornblow, Jr., with a rare command of audience values, the picture is directed by George Marshall from a screenplay by Walter DeLeon which extracts maximum possibilities from the play, a stage success of some years back by Paul Dickey and Charles W. Goddard. The production is primarily and exclusively for amusement purposes.

Running time, 82 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

the meeting, have not been called upon yet to express themselves officially on a settlement. It is understood, however, that influential figures in all three companies are unalterably opposed to acceptance of any settlement involving a consent decree. The unofficial and preliminary attitude of all three defendants appears to be the same, as Paramount's, namely, a dismissal of the suit and acceptance of arbitration and a code of fair trade practices.

It was reported also that the three or four defendants not basically opposed to a settlement by consent decree believe that an acceptable decree would be one which, by its terms or language, could not be regarded as a victory for the Government, or in words, one which did not find the companies guilty of illegal practices, this to avert subsequent damage actions.

Presumably, the Government tentatively agreed on Friday that theatre divorcement would not be a condition of settlement, since the discussions involved only the theatre owning defendants and none of these will agree to voluntary divorcement. The fact that, despite this stand by the companies, further discussions are to be held, would seem to make it plain that the Government is not insisting upon divorcement.

In this connection, it is recalled that Paul Williams, the Government's trial counsel, conceded in Federal Judge Henry W. Goddard's courtroom last week that ownership of theatres by production and distribution companies was not illegal if such theatres played only their own company's product.

The Department of Commerce, which sponsored an earlier formula for settlement of the suit by consent decree, is not involved in the current settlement discussions.

Meanwhile, Washington reported that Arnold is anxious to get his more important evidence in the record before compromising the suit.

There is also the suggestion that when the consent decree is reached it

will be found to resemble closely the basis worked out in New York prior to the trial, which was opposed by Allied States.

If the amended Neely block booking bill contains cancellation privileges acceptable to Allied, the block booking phases of the suit may well be dropped, and it is said that a fairly satisfactory solution for the problem of divorcement also has been or is being worked out.

Government Subpoenas Philadelphia Attorneys

The Government has issued subpoenas requiring the attendance of former U. S. Senator George Wharton Pepper, Warners' attorney in Philadelphia, and John J. Gain, also a Philadelphia attorney, as witnesses in the N. Y. anti-trust suit.

Senator Pepper is requested to produce records and contracts obtained from Columbus Stamper, Philadelphia exhibitor, relating to the Great Northern, Rivoli, Tioga, Tower, Roosevelt, Keystone, State and Nixon Theatres. Gain is required to produce lists of persons holding bonds on the Carman Theatre in Philadelphia.

The subpoenas were issued as part of the Government's preparations for presenting evidence on the theatre situation in the Philadelphia area, scheduled for an early hearing.

Seymour Krieger and Seymour Simon, attorneys and investigators for the Department of Justice, are in Philadelphia examining 20 exhibitors who have been subpoenaed as Government witnesses.

Alice Faye, Romero Ill

HOLLYWOOD, June 9.—Serious illness struck Alice Faye and Cesar Romero late last week. Both are 20th Century-Fox players. As a result, plans for "Down Argentine Way," in which both were to appear, are held in abeyance, and "Ghost of Cisco Kid," in which Romero was working, was taken off the schedule.

'Typhoon' and Waller Gross \$25,000, L.A.

LOS ANGELES, June 9.—"Typhoon," aided by Fats Waller and his band on the Paramount stage, drew \$25,000. "Edison, the Man" and "Two Girls on Broadway" drew \$13,000 at the Chinese and \$15,900 at Loew's State.

Estimated takings for the week ending June 5:

"Come With the Wind" (M-G-M)
CARTHAY CIRCLE—(1518) (75c-\$1.50) 7 days, 23rd week. Gross: \$10,800. (Average, \$17,000)

"Edison, the Man" (M-G-M)
"Two Girls on Broadway" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: \$13,000. (Average, \$12,500)
"Rebecca" (U.A.)

4 STAR—(900) (40c-55c) 7 days, 10th week. Gross: \$4,700. (Average, \$3,250)

"If I Had My Way (Univ.)
"Island of Doomed Men" (Col.)

HILLSTREET—(2,700) (30c-65c) 7 days. Gross: \$6,500. (Average, \$6,500)

"Edison, the Man" (M-G-M)
"Two Girls on Broadway" (M-G-M)

LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$15,900. (Average, \$14,000)

"If I Had My Way" (Univ.)
"Men Without Souls" (Col.)

PANTAGES—(3,000) (30c-65c) 7 days. Gross: \$6,100. (Average, \$7,000)

"Typhoon" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days.

Stage: Rochester, Fats Waller and his orchestra. Gross: \$25,000. (Average, \$18,000)

"Torrid Zone" (W.B.)
WARNER BROS. (Hollywood)—(3,000)

(30c-65c) 7 days, 2nd week. Gross: \$7,000. (Average, \$14,000)

"Torrid Zone" (W.B.)
WARNER BROS. (Downtown)—(3,400)

(30c-65c) 7 days, 2nd week. Gross: \$7,300. (Average, \$12,000)

IATSE on Record For 30-Hour Week

(Continued from page 1)

was referred to the general office of the union. The two defeated were a resolution to require a referendum before any special assessment could be made against members by union officers, and one designed to remove the emergency powers granted the International president. The third resolution urged I. A. support for Film Technicians Local 683 in negotiations with producers.

A proposal by Matthew Woll, A. F. L. vice-president, to enroll the entire I. A. membership in a compulsory life insurance plan was rejected by the delegates.

U. S. Presses Drive On Admissions Tax

(Continued from page 1)

out the entire Metropolitan area instead of being limited to one Federal district.

During the past year, Moss has obtained a number of indictments. All those disposed of have resulted in convictions or pleas of guilty, Moss said. Operators of the Cine Roma, on Broadway, and the Shubert, Brooklyn, were indicted last week and the cases will come up for pleading in the Federal courts next Monday.

Buys Arkansas House

AMITY, Ark., June 9.—E. C. Menard, who owns the Menlo at Glenwood, has purchased the New Theatre here from C. N. Jenkins.

**HE'S THE
YEAR'S MOST
POPULAR
JUNE BRIDE**



The whole country's roaring over
this couple who changed places
and even got the stork mixed up!
The dates are rolling in by the
hundreds. Watch the crowds
at

Loew's State, Louisville; Loew's
Broad, Columbus; Loew's,
Akron; Loew's, Bridgeport;
Palace, Springfield; Loew's,
Wilmington; Warner's Holly-
wood, Hollywood, California;
Downtown, Los Angeles;
Midland, Kansas City; Loew's
Palace, Indianapolis; Warner,
Milwaukee; Loew's Valentine,
Toledo; Warner's Stanley,
Pittsburgh; Loew's Capitol,
Washington; Loew's Grand,
Atlanta; Loew's Century,
Baltimore; Buffalo, Buffalo;
Warner's Aldine, Philadelphia.

**NEW YORK PREMIERE
SOON AT THE ROXY!**

HAL ROACH *presents*

"TURNABOUT"

THORNE (Topper) SMITH'S MOST HILARIOUS NOVEL

Adolphe **MENJOU** *Carol* **LANDIS** *John* **HUBBARD**

William GARGAN ☆ **Verree TEASDALE** ☆ **Mary ASTOR**
Donald MEEK ☆ **Franklin PANGBORN** ☆ **Joyce COMPTON**

Screen Play by Mickell NOVAK • Berne GILER • John McCLAIN

Additional Dialogue by RIAN JAMES

Directed by HAL ROACH

Released thru UNITED ARTISTS

Short Subject Reviews

"March of Time, No. 11"

(RKO)

Entitled "The U. S. Navy—1940," the latest March of Time release surveys the present status of the maritime arm of the U. S. armed forces. In a pictorial discussion of the events since the last war, the reel traces the history of the navy from the disarmament program of the 1920's through the start of military operations by Japan against China and brings it up to date by a consideration of the possibilities of the elimination of the British fleet. With current interest centered on President Roosevelt's preparedness program, the issue should prove a timely attraction to theatre audiences. Running time, 19 mins.

"Sport of Kings"

(Columbia)

In this "News World of Sports" issue, the camera goes to the race track. A complete day at the races is shown. Starting with the early morning workouts which start at sunrise, the camera follows the activities up to race time, the arrival of the crowds, the paddock preview, the pari-mutual machines, the races and the method of determining the winner by photo. An interesting "inside" view. Running time, 10 mins.

"South of the Boudoir"

(Columbia)

Charlie Chase gets into an engaging mixup. After making plans for an anniversary celebration with his wife, Charlie's boss arrives in town and asks for a home-cooked meal. Charlie tries to arrange it but his wife walks out after an argument. In desperation, Charlie hires a waitress to pose as his wife and complications ensue when the boss comes to dinner with Charlie's wife. Running time, 18 mins.

"Over the Seven Seas"

(20th Century-Fox)

This is of special interest to boatmen. Countless types of sailing craft all over the world are shown, including the junk of China. International yacht races and sail boat regattas along the coast also are seen. Ed Thorgersen is informative in his description. Running time, 10 mins.

"Swing Social"

(M-G-M)

A group of fish participating in a jazz version of Negro spirituals makes for a very clever and entertaining cartoon. The fish sing and dance in true Harlem fashion. Well-constructed, the short first shows the "Deacon" advising "Brother Brown" why the fish don't bite, the reason being the "Social." From that point on the swingsters are in session. Running time, 8 mins.

"Suva, Pride of Fiji"

(M-G-M)

Visited via the FitzPatrick Travel-talk is Suva in the Fiji Islands. The approach by water, penetration inland, and finally the departure by water are all well executed by the camera. The cannibal-like inhabitants in a ceremonial dance are also shown. Running time, 9 mins.

Feature Reviews

"Earthbound"

(20th Century-Fox)

HOLLYWOOD, June 9.—Twentieth Century-Fox's remake of "Earthbound," produced with outstanding success in 1920 by Samuel Goldwyn, adheres more or less to the story idea of the original, bringing it up to date, however, by placing the time as 1939 and the locale as Paris. The plot, delving deeply into mysticism, is leavened somewhat by comedy.

Warner Baxter, married for five years to Andrea Leeds, is slain by a former inamorata who wants to resume their trysts. Her husband is being tried for murder, and Baxter's soul, "earthbound" because of his unappreciation during life of the beyond, wanders about, unseen and unheard, except by one stranger. Miss Leeds, his widow, finds the death gun and confronts the murderess, who confesses. Baxter's soul then is free to go.

Supporting are Lynn Bari, Charley Grapewin, Henry Wilcoxon, Elizabeth Patterson, Russell Hicks, Christian Rub, Ian Wolfe, Lester Scharff, Reginald Sheffield and Pedro De Cordoba.

John Howard Lawson and Samuel G. Engel wrote the new screenplay from the story by Basil King. Sol M. Wurtzel was the executive producer.

Running time, 67 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

"Una Adventura Peligrosa"

(Atlas Film Exchange)

Produced by International Films of Cuba, this is a release of the Atlas Film Exchange, Inc. Seen at the Teatro Hispano in Harlem, the Spanish-speaking audience laughed intermittently throughout, particularly as the film's principal characters performed in slapstick fashion. An occasional lull was evident during moments of lengthy dialogue, but on the whole the picture was well received. The lack of English titles limits its possibilities.

Anibal de Mar, Cuban radio and stage comic, and Don Paneracio are responsible for most of the laughs in their respective son and father roles. The younger, de Mar, granted an audition on a Havana radio program, leaves for the big city with his father. While there the pair create all sorts of disturbances, land in jail twice and are finally released. A happy ending follows with de Mar's performing in the National Theatre. Cuban song and dance numbers are included in the last scene. Ramon Peon directed.

Running time, 87 minutes. "G."*

*"G" denotes general classification.

"Spots Before Your Eyes"

(M-G-M)

This is a Pete Smith Specialty that should prove popular with housewives. In the film are demonstrations on removing spots from clothing and such. The newlyweds occupying Aunt's house during the latter's absence are notified that she is returning, sure to find the house in a very untidy state. "Mr. Fixit" appears on the scene with his helpful tips and solves the problem. Running time, 10 mins.

"Boobs in the Woods"

(Columbia)

Andy Clyde, Esther Howard and Shemp Howard in a comedy about a badgered husband who is compelled to support a shiftless brother-in-law. When Andy is fired from his job as a result of Shemp's efforts, a vacation trip is decided upon. There are the usual complications en route. Running time, 16 mins.

"The Egg Hunt"

(Columbia)

This is a color cartoon which satirizes the usual type of lecture with films by returned explorers. The reel details the amusing adventures of a professor who goes to hunt dinosaur eggs in the Gobi Desert. Running time, 7 mins.

"Swiss Ski Yodelers"

(20th Century-Fox)

This Paul Terry cartoon concerns a pig who, unable to master the sport of skiing, suffers the consequences. The setting is in the Swiss Alps with polished skiers and melodic yodelers. After a perilous slide the pig falls into a pit, encounters a bear, and the short ends with the pig and bear in a card game. Mildly amusing. Running time, 7 mins.

"Professor Offkeysy"

(20th Century-Fox)

Professor Offkeysy's symphony orchestra is converted into a group of swing addicts led by a drum-beating monkey. The jungleland spectators are lifted from boredom to ecstatic glee. Produced by Paul Terry, cartoon fans should find this to their liking. Running time, 7 mins.

"Social Security"

(Columbia)

Another in the "Washington Parade" series, this reel deals with the old age pension plan and how it works. The intricate mechanisms are explained and the purposes of the law are detailed. Many of the popular questions about the workings of the plan are answered. Should please. Running time, 10 mins.

Short Subject Reviews

"Servant of Mankind"

(M-G-M)

To its features on Thomas Edison "Edison, the Man" and "Young Tom Edison," M-G-M now adds a short subject. The film compares conditions before and after the electric light, the motion picture, the phonograph and other inventions of Edison. This is interesting and exploitation possibilities are numerous. Running time, 9 mins.

"Sanctuary of the Seals"

(20th Century-Fox)

The Coast Guard and the Bureau of Fisheries had obvious reasons for cooperating in this filming of seals during the mating season on the island of Pribiloff, Alaska. The pictures tend to enlighten the public on the value of protecting the fur-bearing mammals. The short concentrates entirely on the seals on land and water. Running time, 9 mins.

"You're Next"

(Columbia)

A mad professor believes he has found the formula for reversing the evolutionary process and turning men into gorillas. Walter Catlett, as a "star" detective, undertakes to protect Roscoe Ates, the fiend's next victim. The laughs begin when Ates, Catlett and the latter's assistants are trapped in the professor's house. Others in the cast are Monty Collins, Dudley Dickerson, Chester Conklin, John T. Murray and Eddie Featherstone. Running time, 17 mins.

"Modern New Orleans"

(M-G-M)

Shifting his attention to the American scene, James A. FitzPatrick offers a picture study of New Orleans in this addition to his Traveltalk series. Commentary traces the history of the city, from its founding by the French in 1718 to the present day, with repeated reference to the Huey Long regime. The city is pictured as beautiful, gay and progressive. Running time, 8 mins.

"Catnip Capers"

(20th Century-Fox)

After a few whiffs of catnip, the big cat submerges into a fantastic nightmare in which, among other things, he is chased by huge mice and a fish, rides a pink elephant and dances in a harem. Apparently designed for children's consumption, adults, too, will enjoy the cat's experiences. Finally awakening, the cat finds himself back with the mice. Running time, 7 mins.

"All About Hash"

(M-G-M)

The adventures of Our Gang continue. Here the group restores marital bliss at Mickey's home after a series of quarrels between his parents over the Monday hash situation. The subject is given the usual comedy treatment. By means of a kiddie radio show, the Gang dramatizes a story based upon Mickey's home life, and the parents learn of their mistakes. Running time, 11 mins.

Circuits Hold Off on Summer Closing Plans

(Continued from page 1)

their usual practice of closing several houses for the season, it was said, but the specific situations are still being studied. Loew's, which closed one local house and two out of town, does not plan to close any in the city but still has the out-of-town situation under consideration.

RKO Will Close Six

RKO will shut down six theatres for the Summer as compared with seven last year. The Alden, in Jamaica, L. I., will remain open, while the Orpheum, Kansas City; Palace, Chicago; Colonial, Dayton; Albee, Providence; Shubert, Cincinnati; and Strand, Syracuse, will be closed.

The Brandt circuit will close seven houses more than last Summer, Harry Brandt, circuit head, declared, but he did not reveal the full number. "More than half" of the nine theatres in New Jersey, Staten Island and Brooklyn which comprise the Rosenblatt-Welt circuit will be darkened for the season, Leon Rosenblatt declared. A Century circuit executive declared that business was off but that no Summer closings were scheduled.

Six Bronx houses of Consolidated Amusement Enterprises will be closed, Laurence Bolognino, circuit head, revealed. They are the Avalon, Fleetwood, Oxford, Ascot, Kingsbridge and Jerome. The Cocalis circuit has closed the Empire, Rahway, N. J. This house operates on a weekend policy during the winter. The Wilson, Brooklyn, a Randforce house, has been closed. On the other hand, the Playhouse in Lake Mahopac, N. Y., a former legitimate stage theatre, will be reopened for the Summer with a film policy.

The situation in various key cities follows:

No Canadian Closings

TORONTO, June 9.—There has been no intimation of the closing of any theatres in Canada for the Summer, although the few legitimate houses here have gone dark as usual. The installation of air conditioning in many film houses and a feeling that exhibitors should carry on to provide entertainment for a war-strained public are influences which are expected to discourage Summer closings.

Remain Open in New Orleans

NEW ORLEANS, June 9.—There are no indications that any houses here are to be closed for the Summer. Using air-conditioning, exhibitors are ignoring weather conditions, although some houses on the Mississippi Gulf Coast are planning longer daily operating hours for vacationists. Free pictures will again be exhibited at two local city parks, but only shorts are used and exhibitors have never voiced any complaint.

Atlanta Trimming Sails

ATLANTA, June 9.—The Summer is hitting the local theatres harder than ever before. The Capitol, Lucas & Jenkins unit, has dropped vaudeville

Off the Antenna

THE first 15 per cent installment on the annual license fees of radio station members of Broadcast Music, Inc., was called for in a letter sent over the weekend by M. E. Tompkins, BMI general manager. Payment is requested within 10 days.

Under the BMI setup, the 294 member stations were required to pay for their stock but calls for payment on the license fees were left to the discretion of the board with a limit of 15 per cent each month.

"There seems to be no likelihood that the networks will perform any Ascaph music after the end of the year and the elimination of this music will not be as difficult a matter as might be imagined," Tompkins said. "You will remember that during the first six months of 1936, 40 per cent of the Ascaph catalogue was dropped from the air by most broadcasting stations and by all networks without any decrease of listener interest or loss of advertisers or of a single account."

WLOL will become the Minneapolis-St. Paul outlet for Mutual on June 17 when the new station broadcasts its first program. The station operates 1,000 watts full time on 1,300 k.c. and is owned by Independent Merchants Broadcasting, Inc. A special program will be broadcast from 9-10 P.M. on opening day which will be carried on the Mutual lines. WLOL will replace WJGY which was the Mutual outlet in the twin cities until recently.

Warners' star, Bette Davis, will have her life dramatized during the next three weeks on the Hedda Hopper program over CBS. Beginning today, on Mondays, Wednesdays and Fridays at 7 P.M. parts of the biography will be dramatized. On Friday, June 28, parts of "All This, and Heaven Too" will be broadcast.

Commercial managers of 31 stations came to New York on Friday as guests of Esso Marketers. After a sight-seeing trip, the group was taken to the World's Fair. Managers present included W. E. Jackson, KDKA; S. C. Vinsonhaler, KLRA; J. A. Oswald, KTBS; Griffith B. Thompson, KYW; H. C. Burke, WBAL; Edgar H. Twamley, WBEN; Vincent F. Callahan, Frank Bowes, WBZ; Royal E. Penny, WBT; John A. Kennedy, WCHS; John M. Rivers, WCSC; L. T. Pitman, WCSH; Ray P. Jordan, WDBJ; Norman A. Thomas, WDOD; William F. Malo, WDRC; B. T. Whitmire, WFBC; Kolin Hager, WGY; William Fay, WHAM; G. Richard Shafro, WIS; H. Vernon Anderson, WJBO; William O. Tilenius, WJZ; F. C. Sowell, WLAC; E. E. Guernsey, WLBZ; R. B. Westergaard, WNOX; Richard H. Mason, Jack Field, WPTF; John H. Dodge, WRC; Hoyt B. Wooten, WREC; Barron Howard, WRVA; Arnold F. Schoen, WSYR; Ralph Hatcher, WTAR; A. Louis Read, WWL; and John E. Thayer, WWNC.

Others in the party were Niles Trammell, William S. Hedges, I. V. McConnell, Sherman Gregory, A. A. Schechter and Lee Wailes of NBC; and executives of Standard Oil of New Jersey, Marchalk & Pratt and United Press.

Programs: CBS will broadcast three special programs and two demonstrations of the "School of the Air" from Milwaukee during the National Education Association convention between June 29 and July 4. . . . Mutual listeners are being encouraged to telegraph questions and discussion during "The American Forum of the Air" broadcasts and the wires are read during the course of the program. . . . Jimmie Lunceford and Maxine Sullivan will be guests on "Platterbrains" over WNEW tonight at 10. . . . The Dorian String Quartet returns to CBS next Saturday at 11:05 A.M. for a new weekly series.

WQXR will increase its rates July 15. The basic evening hour will be raised from \$250 to \$350 and the basic daytime hour from \$150 to \$200. Spot announcement rates which were raised from 33 to 50 per cent in April are not affected. The station's new 5,000-watt transmitter is expected to be in operation on Aug. 1.

for the Summer, continuing with two features. The Roxv also is abandoning stage shows for the season, adopting a policy of second run films. Employees at the Paramount have received notice slips indicating that the theatre is due to close.

Close One in Providence

PROVIDENCE, June 9.—George E. French, manager of the RKO Albee, has posted a closing notice in preparation for the Summer shut-down. The Edward M. Fay Theatre will continue operation throughout the Summer with a double feature policy. The house combined vaudeville and a feature in past.

Shut Connecticut House

THOMPSONVILLE, Conn., June 9.—First seasonal closing in this territory is the Franklin, Peter Perakos theatre. Warners usually close the Tremont, Ansonia and the Circle, South

Manchester, for the Summer months, but no date has been set.

Danz House Closes

SEATTLE, June 9.—John Danz's Roosevelt has been closed for the Summer, the first time in several years that any local downtown theatre has suspended operations. Quiet business, booking difficulties and union demands are said to be responsible.

Schine Closing Two

ZANESVILLE, O., June 9.—The Quimby and Grand, units of the local Schine circuit, recently acquired from Zanesville Theatres, Inc., have closed for the Summer. The other three Schine units here will remain open.

Shut Birmingham House

BIRMINGHAM, June 9.—The Pantage, a Wilby house, has closed for the Summer, as is customary.

Manufacturers to Discuss Television

CHICAGO, June 9.—Discussion of standards for television is expected to feature the annual convention of the Radio Manufacturers Association which will be held at the Hotel Stevens here Tuesday and Wednesday. The recent FCC decision which called on the industry to get together on standards is regarded by the trade as a challenge and will probably occupy a major portion of the sessions.

In addition to the RMA meetings, Chicago will celebrate "Radio Week" beginning tomorrow, with an exposition at the Hotel Stevens and meetings of various sales groups and distributors.

British Export Drive Aided by Producers

LONDON, June 9.—Efforts are being made by British producers to have British films play an active role in the government's export drive. The B.F.P.A., producer group, is in contact with the Board of Trade on the matter.

Earlier this year the Board of Trade set up a committee to organize and co-ordinate the country's export effort. Some 72 trade groups have collaborated. Efforts are now afoot to include a film group. The idea is welcomed by the Government.

Settle 'Time' Suit

Stipulation settling the suit of Time, Inc., against Anschel Barshay, trading as the "Voice of Time," and dropping the appeal of the defendant from an injunction and accounting, was filed on Friday in the U. S. District Court. Under the settlement Barshay is restrained from broadcasting as the "Voice of Time" and the plaintiff waives all rights to an accounting and damages. Defendant had broadcast recordings of the speeches of notables.

RCA Deals Closed

RCA Photophone has closed with the following for the installation of sound equipment: Crescent, Dade City and Park, Avon Park, both in Florida; Martin, Douglas, Ga.; Colton, Colton, and the Strand, Oxnard, Cal.; Fairfield, Fairfield, Ala.; Fox, Kingsport, Tenn.; Sosna, Mexico, Mo.; Atwater, Los Angeles, and Jackson, Alexander City, Ala.

Reopens Resort Theatre

STONE HARBOR, N. J., June 9.—Jack N. Greenberg of Philadelphia has reopened the Park, one of the largest resort houses in South Jersey. Arthur Gross, who has been associated with Greenberg since the latter purchased the theatre in 1931, comes in as manager for the fourth consecutive season.

Ossining Bans Carnivals

OSSINING, N. Y., June 9.—Trustees of this village have adopted an ordinance prohibiting carnivals and other open-air shows after July 1. Violators will be subject to a fine of \$50 or 30 days in jail, or both.

Chatkin to Filmack

CHICAGO, June 9.—Herbert Chatkin, formerly with National Screen Service, has joined the Filmack Trailer Co. here as promotion manager.



Happy things are happening in Pittsburgh. Because today the Warner men meet there! Today they hear the marvelous news that takes the question-mark out of your product problem for '40-'41. Soon you'll know. Soon you too will be wearing the Warner Bros. smile!

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THAT WILL
STRETCH
FROM
PITTSBURGH
TO YOU!**

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and
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VOL. 47. NO. 114

NEW YORK, U. S. A., TUESDAY, JUNE 11, 1940

TEN CENTS

Producers Bar Wage Increases Because of War

Committee Tells Writers Of Salary Policy

HOLLYWOOD, June 10.—Resuming negotiations with the Screen Writers Guild on a collective bargaining agreement, the producers here informed the guild's committee that no contract which would increase costs would be entered into at this time due to the European situation.

Company representatives and counsel pointed out that the loss of foreign revenue and decrease of domestic receipts made it impossible to consider increasing production costs.

Among producer representatives present were E. J. Mannix, M-G-M; Jack L. Warner, Warners; J. R. McDonough, RKO, and Cliff Work, Universal. Counsel present included Mendel Silberberg, George Cohen, Homer Mitchell and Herbert Preston.

Appearing for the guild were Sheridan Gibney, Charles Brackett, Dore Schary, Mary McCall, Jr., and Leonard Janofsky, attorney for the guild.

Quigley Warns of New 'Public Enemy'

NIAGARA FALLS, N. Y., June 10.—A new "Public Enemy No. 1" in the person of professors of a type "which during these troubled years has become legion in educational institutions," was put in nomination in a commencement day address at Niagara University here today by Martin Quigley of New York, publisher and editor-in-chief of Quigley Publications.

"When I use the term Public Enemy I am not thinking of some despised criminal, exalted in notoriety by the press. Such a person may take life, but he does not poison minds, corrupt souls. He is not in a position to seize youth and blight careers," Mr. Quigley said.

"I am thinking, rather, of such figures as the California professor who tells us that 'the conditions of 1940 cannot be met by the morals of 1490'—of the professor of sociology, at one of our great Eastern Universities, who told me he did not know what Communism was—a professor of sociology, mind you; and again, of another college professor, attached to a great university handsomely en-

(Continued on page 4)

Executives Arrive From London; Goetz Optimistic of Future

Ben Goetz, head of M-G-M production in England, will leave for the Coast by plane today to confer with studio officials on the possibilities of future production activity abroad.

He arrived from Europe Sunday on the *President Roosevelt*, which also brought Robert T. Kane, in charge of 20th Century-Fox British production; Joseph Friedman, Columbia's British sales manager; Jeffrey Bernerd of Grand National Films of London, and their wives.

While pointing out that no long range plans for European operations can be made at this time, Goetz expressed optimism that production in England could be continued, depending, however, upon the future course of the war and the willingness of Hollywood talent and technicians to assist.

He intimated that production could

(Continued on page 4)

'Orchid' and 'Sons' Get Strong Start

"Brother Orchid" with Jimmy Dorsey's band on the stage at the Strand got off to a good start with an estimated \$21,000 for the first three days. "Four Sons" and a stage show at the Roxy also did well with an estimated \$22,000. Ending its first week tonight at the Paramount, "The Way of All Flesh" with Harry James' orchestra should gross an estimated \$30,000 for the week. It will be held over.

In the first four days of its second week, "My Favorite Wife" with a stage show at the Music Hall drew an estimated \$45,000. "Our Town" will open there on Thursday. A revival of "Confessions of a Nazi Spy" grossed an estimated \$5,000 in a week at the Globe, and was followed on Saturday by "Island of Doomed Men."

Allied Board Maps Convention Today

WASHINGTON, June 10.—Allied States board members will meet here tomorrow to make final plans for the association's Chicago convention, June 19-21.

In addition to discussing subjects for consideration at the annual convention the board is expected to review the latest developments in the Neely block booking bill and Government suit situations, but there were no indications that any definite action would be taken.

15 Chicago Houses End Triple Bills

Chicago, June 10.—Fourteen Allied of Illinois members and one other independent exhibitor today agreed that effective June 16 all triple and 10-cent admission days will be eliminated. The announcement was made by Jack Kirsch, Allied president, who initiated the move for the agreement.

Kuykendall Urges Settlement Terms

MYRTLE BEACH, S. C., June 10.—Cancellation is the most important issue before exhibitors today, and a settlement of the New York anti-trust suit will not be effective unless it includes cancellation and arbitration provisions, Ed Kuykendall, M.P.T. O.A. president, told 350 persons at the T.O.A. of North and South Carolina convention here today.

Kuykendall spoke at a business session presided over by Henry Berry of Hartsville, S. C. Mayor Ben Graham welcomed the delegates. The afternoon session was a forum on theatre operating problems.

Nebraska to Appeal Anti-Ascap Verdict

LINCOLN, June 10.—Attorney General Walter Johnson of Nebraska has decided to seek a review by the U. S. Supreme Court of the case involving constitutionality of the state's anti-Ascap law, which was held invalid last December by a three-judge Federal statutory court.

A writ of certiorari will be filed with the high court within the next two weeks, it was said.

Louis Frohlich of Schwartz & Frohlich, Ascap counsel, said yesterday that Nebraska's time for filing an appeal from the statutory court's decision has expired and that, if an appeal is taken to the U. S. Supreme Court now, Ascap will move to have it dismissed on that ground.

F. P. Canadian Will Retire Bond Issue

TORONTO, June 10.—Famous Players Canadian Corp. has decided to retire \$350,000 of its outstanding bonds one year ahead of time, the due date for this bond indebtedness being June 1, 1941. The stock exchanges at Toronto and Montreal have been notified to this effect and the redemption is already under way.

The Canadian circuit also has re-

(Continued on page 4)

Goddard Asks 'Every Effort' To Settle Suit

Counsel, U. S. Officials Resume Talks Today

It was learned last night that in the event counsel for the defendants and the Government in a conference today agree on a framework for settlement of the Government's New York anti-trust suit, the parties will ask for a postponement of the trial until October to permit the full negotiation of a settlement and to give the Government its desired opportunity to shift men working on this case to necessary national defense activity.

Federal Judge Henry W. Goddard, in granting an adjournment yesterday of the Government's N. Y. anti-trust suit until tomorrow, urged both sides to make "every effort" to settle the action out of court.

Judge Goddard said: "As I have indicated in informal conferences with both parties, it may not be possible to agree on a decree but every effort should be made to do so nevertheless."

The court's statement came after

(Continued on page 4)

Warner Reiterates '5th Column' Attack

PITTSBURGH, June 10.—Major Albert Warner, vice-president and treasurer of Warners, today at the opening of the company's Eastern sales convention at the William Penn Hotel, reiterated the statement of Harry M. Warner last week that there is no

(Continued on page 4)

Pittsburgh Press Lauds Warner Stand

Pittsburgh, June 10.—Under the title, "The Screen Helps America," the Pittsburgh Press today editorially commends Warners, in convention here, for their work in promoting Americanism and exposing "Fifth Column" groups.

The editorial cited films such as "Confessions of a Nazi Spy," "Juarez" and the Warner patriotic short subjects as designed to foster democratic ideals.

A.F.M. to Discuss Employment Issue

INDIANAPOLIS, June 10.—Thorough discussion of employment problems is scheduled to begin tomorrow at the first business session of the 45th annual convention of the American Federation of Musicians which started here today.

Joseph Weber, president, announced that 728 locals in the United States and Canada are represented here. The delegates were welcomed by Gov. Clifford Townsend and city and state delegates.

Among the subjects to come under consideration are recording for films, radio employment, traveling bands, social security, and competition from amateurs who exploit their talents at the expense of professionals.

Host to the convention is Indianapolis Local No. 3, founded five years before the Federation of Musicians was organized in Indianapolis in 1896. The Indianapolis local is celebrating its 50th anniversary as part of the convention. John H. Goll, president of Local 3, and Abraham Hamerschlag, business agent, are in charge.

Two Buchanan Accounts

Buchanan & Co. advertising agency has obtained two new accounts, Alexander Korda Films and Globe Productions. Both release through United Artists. James Roosevelt heads Globe Productions.

Nizer Adds Partners

Phillips & Nizer, well known firm, has changed its name to Phillips, Nizer, Benjamin & Krim. Partners in the firm are Louis Nizer, Louis Phillips, Robert S. Benjamin and Arthur B. Krim.

Personal Mention

HOWARD DIETZ, M-G-M advertising and publicity director, left last night for the studio by plane.

LOUIS KROUSE, JAMES J. BRENNAN and RICHARD WALSH, I.A.T.S.E. officials, returned yesterday from Louisville, Ky., where they attended the union's convention.

HAROLD HURLEY, former Paramount producer, left for the Coast yesterday after starting negotiations on a distribution deal.

JOSEPH M. SCHENCK, chairman of the board of 20th Century-Fox, arrived from the Coast yesterday.

ED KUYKENDALL, M.P.T.O.A. president, plans to return to New York tomorrow from Myrtle Beach, S. C.

EMANUEL SILVERSTONE, LOU WEINBERG, RUBE JACKTER and SEYMOUR POE at Lindy's (next to the Rivoli) yesterday for lunch.

SPENCER TRACY has received a Doctor of Dramatic Arts degree from Ripon College in Wisconsin, his alma mater.

PAT SCOLLARD, WILLIAM GERMAN, LOU POLLOCK, HANK LINET and ARTHUR LEE lunching at the Tavern yesterday.

SCHUYLER BEATTIE, Paramount booker in Albany, and ROSAMUND KEENAN of Troy were married over the weekend.

GUS SCHAEFER left for Miami by plane yesterday en route to Havana to wind up his affairs there before taking up his new duties as an RKO home office sales executive.

JACK COHN, LOUIS BERNSTEIN, AL YOUNG, JOSEPH MOSKOWITZ and KAY KAMEN lunching at Lindy's (51st St.) yesterday.

BARNEY BALABAN, LEONARD GOLDENSON, STANTON GRIFFIS, SAM SHAIN, ROBERT WEITMAN, NAT KALCHEIM, HARRY KALCHEIM, AUSTIN KEOUGH, ARTHUR LOEW, MORT SPRING, ALEC MOSS, HARRY RUBY, SAM LEVENE, SIDNEY PHILLIPS and JOHN GOLDEN lunching at Sardi's yesterday.

HOWARD DIETZ, WILLIAM ORR, JOHN W. HICKS, CHARLES E. MCCARTHY, GEORGE SKOURAS and TOM CONNORS at Nick's Hunting Room in the Astor for lunch yesterday.

ARTHUR FINE, projectionist at the Empress, Cincinnati, and MRS. FINE became the parents of an eight-pound boy late last week.

ARTHUR ROSKOWSKIE, accountant for the Fanchon & Marco Service Corp., St. Louis, and GLADYS WOLFF of that city were married over the weekend.

JOSEPH GOLDEN, Cleveland booker for Schine Theatres, is vacationing in Albany.

CONRAD VEIDT left for Hollywood yesterday.

Trade 'Opportunity' Stressed by Allied

Washington, June 10.—Claiming credit for whatever trade practice innovations may eventuate from either the Government's New York anti-trust suit or the Neely block booking bill, Allied States, in a circular issued from national headquarters here, assails recent "personal attacks on Allied leaders" and points out "the present opportunity" for improving internal industry relations.

Presumably, the reference is to the Government's current effort to effect a settlement of the New York suit.

"It remains to be seen," the Allied circular says, "whether the vision exists to seize the present opportunity."

Offices Hampered By Albany Strike

ALBANY, June 10.—Local exchanges are using express for the shipment and return of all prints, as a result of the strike of teamsters here, which has tied up, among others, one of the local film service deliveries, Smith-Howell.

The strike began Saturday morning and is still unsettled. Prints shipped by home offices to the exchanges here are being handled by office personnel. The prompt use of express for shipments on Saturday prevented a tieup of prints, and no theatres in the northern and eastern sections were without films.

Republic Opening Meet Here Today

Republic opens its fourth and final regional sales meeting at the Park Central here today, with James R. Grainger, president, presiding. From the home office will be: Walter Vincent, chairman of the board; Morris Goodman, vice-president in charge of foreign sales; G. C. Schaefer, vice-president and general manager; John J. O'Connell, treasurer; Si Borus, contract department head, and David B. Whalen, director of advertising and publicity.

Attending the Eastern meeting will include: M. E. Morey, Boston; Sam Seletsky, New Haven; Herman Gluckman and Morris Epstein, New York; Max Gillis, Philadelphia; Sam and Jake Flax, Washington; James H. Alexander, George Collins and Sam Fineburg, Pittsburgh; George H. Kirby, Cincinnati; Sam Gorrell, Cleveland; Nat Lefton, Ohio franchise holder; Sam Seplowin, Detroit; Jack Bellman, Buffalo, and Arthur Newman, Albany.

Tonight Republic will entertain the delegates at a beefsteak dinner at the New York Athletic Club.

Theatre Assessment Cut

Realty assessments for tax purposes on the Broadway Theatre, Broadway and 53rd St., were cut a total \$1,620,000 over a period of seven years yesterday by N. Y. Supreme Court Justice Charles B. McLaughlin. The years in question were 1933 through 1940. The 1940 assessment was cut from \$1,125,000 to \$940,000.

Appoint Nathanson CBC Vice-Chairman

TORONTO, June 10.—Following the appointment of General V. W. Odlum as officer commanding the Second Division of the Canadian Active Service Force, N. L. Nathanson, president of Famous Players Canadian Corp., has been selected as vice-chairman of the Canadian Broadcasting Corp., in succession to Gen. Odlum. Rene Morin continues as chairman. Nathanson is now serving his second three-year term as a member of the Board of Governors of the CBC and his promotion to the vice-chairmanship is in recognition of the personal interest he has taken in the regulation of broadcasting activities in the Dominion.

Coin Film Shooting Starts Here Soon

Production of films for coin machines will be started within two or three weeks at the Edison studios in the Bronx by Phonovision Corp., Frank Orsatti declared yesterday. A public demonstration of the machines will be held at Jack Dempsey's Restaurant next Monday and Tuesday.

PHILADELPHIA, June 10.—An ordinance requiring licenses for coin film machines will be introduced in the City Council this week, a councilman revealed. The license fee probably will be higher than the \$10 fee required for automatic games.

Close Miami Theatre

MIAMI, June 10.—The Surf Theatre at Miami Beach, Wometco circuit unit, has closed for the Summer.

Call Randforce Heads

Louis Frisch and Samuel Rinzier, officials of Randforce Amusement Corp., were directed yesterday to testify before trial on June 14 in the Federal Court suit of Folley Amusement Holding Corp. for \$750,000 triple damages against Randforce, the eight majors, Republic and Monogram. Plaintiff claims that it lost its Folley Theatre in Brooklyn because of an alleged conspiracy to deprive it of product.

Louis Levin Dies

CHICAGO, June 10.—Louis Levin, 55, former owner of the Public Theatre, died here late last week.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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THIS WEEK THE OPENING!



June 14
CARTHAY CIRCLE, L. A.
EARLE, PHILADELPHIA

June 18
STRAND, HARTFORD

June 20
MAJESTIC, PROVIDENCE

June 26
ORPHEUM, KANSAS CITY

June 27
WARFIELD, SAN FRANCISCO
ORPHEUM, NEW ORLEANS
BRANDEIS, OMAHA
ORPHEUM, DES MOINES

June 28
CAPITOL, CINCINNATI

July 5
MARY ANDERSON, LOUISVILLE

BETTE DAVIS and CHARLES BOYER in "ALL THIS, AND HEAVEN TOO"

By RACHEL FIELD with JEFFREY LYNN • BARBARA O'NEIL

Virginia Weidler • Henry Daniell • Walter Hampden • George Coulouris • An ANATOLE LITVAK Production

Screen Play by Casey Robinson • Music by Max Steiner • A Warner Bros.-First National Picture

FOR SPECIAL ENGAGEMENTS ONLY, AT ROADSHOW PRICES, FROM
WARNER BROS.

Goddard Asks 'Every Effort' To Settle Suit

(Continued from page 1)

Special Assistant Attorney General J. Stephen Doyle had applied for the postponement because of discussions now taking place between the Department of Justice and the defendants. Adjournments will continue while there is a reasonable possibility of an agreement, it was said.

Reliable sources indicate that Judge Goddard will order the trial to proceed without delay once he becomes convinced that agreement is impossible.

Decision Due Today

Meetings between chief counsel for the defendant companies and Department of Justice officials will resume here today with indications that the session will disclose whether or not an out-of-court settlement of the suit is possible.

If an agreement is reached on such basic points as whether or not the settlement is to be based on a consent decree and, if so, whether the decree will be so worded that it cannot be interpreted as a victory for the Government, it appears likely that a lengthy adjournment of the trial will be taken and extended negotiations on the settlement begun.

It already appears certain that the Government, which instituted the current settlement discussions, is prepared to waive its original demand for affiliated theatre divorcement. Whether it will agree to an outright dismissal of the suit without a consent decree or with one which does not find the defendants guilty of any illegal practices, as is being insisted upon by more than half of them, is expected to be determined today. If the Government acquiesces, negotiations on trade practice changes sought by the Government and on provisions for arbitration of trade complaints will be begun at once.

Others Asked to Attend

Although only the five theatre owning defendants were represented at last Friday's settlement conference with Thurman Arnold and Paul Williams, the other three defendants, Universal, United Artists and Columbia, have been asked to send representatives to today's meeting. However, they may forego attending today's meeting in favor of representation by a small negotiating or consultation committee acting for all.

Arnold conferred in Washington over the weekend with Department of Justice officials on the major points developed at Friday's meeting, while defense counsel conferred similarly here yesterday, both sessions being in preparation for today's meeting.

In Washington, Department of Justice officials yesterday maintained silence on the settlement efforts. It was suggested there, however, that the court will be asked to adjourn the trial from week to week while efforts are made to work out an agreement.

Para. Promotes Harris

HOLLYWOOD, June 10.—Lou Harris has been promoted as assistant to Cliff Lewis, Paramount studio advertising and publicity head, and will continue in charge of trailers.

Quigley Warns of New 'Public Enemy'

(Continued from page 1)

dowed by rich persons so busy making money they do not know what is going on in the world, who has insinuated into textbooks widely used in the public schools many references glorifying the ghastly experiment in human misery of the Russian Soviets.

"I do not consider these gentlemen public enemies by intent, but by performance. They seek, perhaps with great goodwill, to solve the problems of the day. They remind one, however, of the faithful bear of the old fable. You will recall that the bear sat by to protect his master's sleep in the forest. A persistent fly buzzed about. It would not be brushed away. So as the fly alighted on the sleeping master's brow the bear crushed it with a big stone—and his master too."

Mr. Quigley was the recipient on the occasion of a honorary degree of doctor of laws. Honorary degrees were also conferred on John S. McCarrens, vice-president and general manager of the Cleveland *Plain Dealer* and president of the American Newspapers Publishers Association, and Bernard E. Finucane, civic leader in Rochester, N. Y.

Warner Reiterates '5th Column' Attack

(Continued from page 1)

place in the company for members of any un-American organization. "Loyalty to Americanism and the American flag comes first," said Major Warner.

Gradwell L. Sears, general sales manager, outlined the new season's product this afternoon. Following a screening of "The Sea Hawk," Carl Leserman, assistant to Sears, announced Ed Schnitzer, Eastern district manager, as a leading prize winner in the recent Sears Drive. Checks were awarded in the order of their drive ranking to the following branch managers; J. Roger Mahan, New Haven; Norman Ayers, Boston; Charles Rich, Buffalo; Sam Lefkowitz, New York; Paul Krumenacker, Albany.

Among those who spoke were Joseph Hummel, foreign sales chief; Samuel Schneider, home office executive; Joseph Bernhard, theatres head, and Leonard Schlesinger.

Hummel said that H. M. Warner had cabled the Brazilian Government offering to donate the Brazilian receipts of "Confessions of a Nazi Spy" to the Red Cross if Brazil would consent to the showing of the film, which has been held up for several months.

Charles Rich, Buffalo manager, has been named Cleveland manager, replacing Ted Mendelssohn.

F. P. Canadian Will Retire Bond Issue

(Continued from page 1)

tired in full a block of serial bonds amounting to \$350,000 which matured this month, thus bringing to a total of \$700,000 in the reduction of capital obligations. Bonds of Famous Players are currently quoted on the open market at approximately par value of \$100. The company is paying a dividend of 25 cents on the common shares at the end of June for the second quarter of 1940.

Theatres to Share 'U' Money Awards

Washington, June 10.—Bernard Kreisler, Universal branch manager here, has allocated part of the prize money received when the branch won second place in Universal's recent "W. A. Scully sales drive," for awards to exhibitors dating the most Universal product during June, July and August.

Columbia Meets in Atlantic City Today

ATLANTIC CITY, June 10.—About 100 delegates arrived here today to attend Columbia's second and final regional sales meeting tomorrow through Friday at the Ritz Carlton.

In addition to a group of home office executives and foreign department representatives, managers and salesmen from 16 exchanges in the Eastern, Mideast and Southern divisions are present.

The following district and branch managers and salesmen are here:

New York: Nat Cohn, Saul Trauner, I. Wormser, J. Sokoloff, Seymour Schussel, J. Wenisch, Moe Fraum, E. Helouis, S. Feinblom.

New Haven: T. F. O'Toole, B. J. Lourie, S. Swirsky.

Boston: I. H. Rogovin, E. Cohen, S. Simons, C. Myshrahl, H. Olshan, J. Wolf, A. Barry.

Albany: J. Miller, E. Hochstim, J. Armm, M. Cohn, S. Goldberg.

Buffalo: P. Fox, G. H. Ferguson, J. Bullwinkel, N. Marcus, C. Harter.

Philadelphia: H. E. Weiner, J. Schaeffer, D. Korson, J. Engel, M. Goldstein, L. H. Wurtele.

Washington: A. Galanty, O. D. Weems, J. B. Walsh, C. A. Wingfield, B. Caplon, J. Kushner.

Pittsburgh: A. H. Levy, S. Sugerman, J. Gins, S. Goldberg, G. Tice, J. Kohler.

Cincinnati: A. S. Moritz, C. R. Palmer, H. W. Rullman, L. E. Davis, P. Niland, J. A. Curran.

Cleveland: L. Zucker, M. Glick, J. Share, O. Bloom, G. S. Vojac.

Atlanta: S. Moscow, W. W. Anderson, B. A. Wallace, U. T. Koch, E. B. Foster, J. S. Laird.

Memphis: J. J. Rogers, H. Kohn, T. B. Haynes, H. A. Chrisman.

New Orleans: H. Duvall, J. Winberry, J. J. Fabacher, R. A. Kelly.

Dallas: J. B. Underwood, H. Craver, W. L. Penn, J. L. McKinney, A. M. Whitchee, L. Wilkes.

Oklahoma City: C. A. Gibbs, J. A. Smith, S. Gibbs, J. P. Hudgens.

Charlotte: R. J. Ingram, G. Roscoe, R. D. Williamson, C. Patterson.

La. House Passes Bill to Tax Circuits

BATON ROUGE, La., June 10.—The Louisiana House of Representatives has passed the Flower bill by a vote of 60 to seven, imposing a tax up to \$200 per theatre on circuits operating in the state, with the tax proceeds to be designed for the Welfare Department.

The measure now goes to the Senate for action.

Majestic Radio Plan Approval Is Assured

CHICAGO, June 10.—Reorganization plan for Majestic Radio and Television Corp. was presented to Federal Judge John P. Barnes here today. Acceptances by the necessary majority of creditors and stockholders assures court approval of the plan on June 22, when Judge Barnes will conduct a hearing.

Executives Arrive From London; Goetz Optimistic of Future

(Continued from page 1)

be carried on in England now, but that the scarcity of talent made casting difficult, and technicians, too, at a premium. If Hollywood could fill these needs Goetz said he would return to England confident that he could resume production. He completed "Busman's Honeymoon" and Robert Montgomery recently brought a print with him.

Paramount has "Rings on Her Fingers," starring Elisabeth Bergner and Michael Redgrave, and directed by Paul Czinner, in work in England now and "Hatter's Castle" in preparation.

Friedman left yesterday for Atlantic City to attend the Columbia sales convention. He plans to return to London. He was accompanied here by his family, who will remain here. Friedman reported film and theatre business in England as "good."

Bernard is here to negotiate for British distribution rights with American producers and independent distributors.

Boris Jesenof, former branch manager for Columbia in Brussels and Sydney, and Sidney Bruckner, traveling auditor for the company, arrived from Europe yesterday on the *Manhattan*. Andre Heymann, head of French Cinema Center, also arrived on the boat, having acquired 10 French features and four shorts for distribution here. Ramon Novarro was another arrival.

Day, Pierpoint Here For Para. Parley

John Day, Paramount South American general manager, arrived from Buenos Aires over the weekend to attend the wedding of his daughter, Pepita, to Lieutenant Commander Hoover, U. S. N., at Montclair, N. J. on Saturday. He is a cousin of Herbert Hoover.

Day will be here about three weeks for home office conferences. S. I. Pierpoint, Paramount manager for Brazil, arrived on the same boat for a home office visit.

Arriving from the Coast and Kansas City after attending Paramount annual sales convention, Arthur Prachett, Paramount manager for Mexico, said he would remain here for two weeks. He reported that the Colonial, world's largest theatre, seating 7,200, opened in Mexico City June 1. A new 4,000-seat theatre, the Verdadas, opened at Guadalajara June 1, he said.

Columbia Wins Point In Stockholder Suit

Columbia yesterday won its court fight against turning over a list of its stockholders, when N. Y. Supreme Court Justice Samuel I. Rosenman denied an application of James F. Burke stockholder, for an order directing Columbia to allow an inspection of its books and records.

Burke, claiming to represent eight stockholders, asked for the list to seek support for his attempt to obtain the legal dissolution of Columbia. Plaintiff cited the anti-trust suit, loss of foreign market and television as reasons for dissolution.

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Industry

MOTION PICTURE DAILY

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Film and
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Brief,
Accurate
and
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VOL. 47. NO. 115

NEW YORK, U. S. A., WEDNESDAY, JUNE 12, 1940

TEN CENTS

Italian Move To Bring Loss Of \$3,000,000

Shipments to Balkans, Near East Halted

Film shipments to Greece, the Balkans, Egypt and the Near East have been halted by Italy's entrance into the European war and the consequent closing of the Mediterranean to normal commerce, home office foreign department officials said yesterday.

Film markets directly affected are Egypt, Greece, Turkey and the Near East, Yugoslavia, Bulgaria, Rumania and Hungary. All of these heretofore have been so-called "open" markets for American films, mostly without monetary or other restrictions. They represent about four per cent of the industry's total foreign revenue, or more than \$3,000,000 annually. The film trade status of Italy, of course, is unchanged, as it already was considered a "lost" market.

Foreign department officials pointed out, however, that cessation of shipments of new films to those countries, does not mean either a complete loss

(Continued on page 4)

Weber Resigns as President of A.F.M.

INDIANAPOLIS, June 11.—Joseph N. Weber resigned the presidency of the American Federation of Musicians, which he had held for 40 years, in an address to delegates to the 45th convention of the union here today. He has not indicated his choice of a successor.

"My physical condition does not permit me to accept the honor of this position for even one more year," Weber said. "No statement of my whole life has been so hard to make.

(Continued on page 4)

Film Daily Tourney Draws 200 Golfers

More than 200 persons turned out yesterday for the 28th Film Daily Golf Tournament at Glen Oaks Country Club near Great Neck, L. I.

The Albee Memorial Cup was won by a team consisting of Tom Gerety, Jack Bowen, J. F. Murphy and Sidney Braunberg, these also winning Ross Federal bags. First runner-up was the RKO team consisting of Jack Level, Lou Miller, Harry Pimstein and John Farmer, winning the Amer-

(Continued on page 4)

Nick and Weston Indicted by U.S. On Racket Charge

ST. LOUIS, June 11.—John P. Nick, former head of the M. P. Operators Union, Local 143, and Clyde A. Weston, his chief aide, were indicted here today by a Federal grand jury on charges of violating the 1934 Federal anti-racketeering act. Nick formerly was first vice-president of the I. A. T. S. E.

The Federal law, invoked for the first time here in the Nick-Weston indictment, prohibits attempts to obtain money by force, violence or coercion from a business engaged in interstate commerce and provides a maximum penalty of 10 years imprisonment and a \$10,000 fine.

Most allegations in the Federal indictment are the same as in the state extortion case in which Nick and Weston were accused of obtaining \$6,500 from exhibitors in 1937 to forestall a wage increase for projectionists. The alleged payment is the basis of some of the 12 counts in the Federal

(Continued on page 4)

Mexican Peso Rise Favors Industry

MEXICO CITY, June 11.—A sharp and unexpected strengthening in the peso today is regarded as favorable by both American film distributors and Mexican exhibitors.

The upward break is the first in the peso since last December when it went to 6.1 pesos to the American dollar. Today's strengthening, attributed to heavy buying of dollars by the Bank of Mexico, sent the peso to 5.1 to the dollar.

The distributors, with pesos on hand, now are in a position to buy more dollars for remittance to the United States, whereas exhibitors

(Continued on page 4)

U. S. AUTHORIZES SETTLEMENT TALKS

Screen Pays \$1,100,000 for 18 New Plays

Film companies increased their purchases of Broadway plays to 18 during the 1939-'40 season, paying a total of \$1,100,000. The average price was \$61,111, an increase of almost \$7,000 over the season before. Official figures were disclosed yesterday by Sidney R. Fleisher, film negotiator for the Dramatists Guild.

Two plays, which were not disclosed, will share in the films' profits above a certain gross.

Under its agreement with the film companies, the Guild permits them to issue their own figures for publicity purposes, but the official figures are given each year without enumerating the price paid for each play. The figures do not include unproduced plays or those which ran less than three weeks. Such plays may be sold independently to the Guild.

Meanwhile, there has been no further progress under the plan whereby film companies could back plays and purchase film rights in advance. Broadway managers have shelved the idea.

During the 1938-'39 season, film companies paid \$760,000 for 14 plays, an average of \$54,285; in 1937-'38, \$700,000 was paid for 12 plays, an average of \$58,333. The best year for the Guild was 1936-'37, the first season under the present basic agreement, when 17 plays were purchased

(Continued on page 4)

Williams Today to Ask Trial Adjournment Until Monday

Washington yesterday gave Assistant U. S. Attorney General Paul Williams, in charge of prosecution of the Government's New York anti-trust suit, the "go-ahead" signal to continue preliminary negotiations with defense counsel for a settlement of the suit.

Williams will ask Federal Judge Henry W. Goddard today for another adjournment of the trial, this time until Monday, and will meet with defense counsel today to continue discussions on settlement negotiations.

While Government spokesmen emphasized that the talks still are in a preliminary and exploratory stage, with the object of discovering whether an agreement is possible, they expressed hope that some decisive development might be realized by tomorrow.

The scheduled meeting between company counsel and Government attorneys yesterday was not held due to the fact that Washington's authorization to continue the settlement discussions was not received until late in the day. Meanwhile, however, company counsel continued their own meetings in an effort to agree among themselves on basic points involved in the settlement discussions. It was reported that no complete agreement has been reached by the defendants on the more important trade practice revisions which they will be asked to concede

(Continued on page 4)

Roosevelt Resigns From Goldwyn Post

HOLLYWOOD, June 11.—Resignation of James Roosevelt as president of Samuel Goldwyn Studios, Inc., which manages the Goldwyn lot formerly known as the United Artists Studios, was disclosed today.

Roosevelt, who said his resignation occurred some time ago, will continue using the studio for his features, which will be released through U. A., and his Globe Productions for coin operated projectors.

When Roosevelt resigned as vice-president of Goldwyn's producing company some time ago to form Globe Productions, he retained the presidency of the studio rental organization. No explanation for his resignation was given.

30-CENT ADMISSION TAX EXEMPTION SEEN AS LAW

Washington, June 11.—It is expected here that the new emergency defense revenue measure, which includes for the motion picture theatre a reduction of the Federal admission tax exemption from 40 cents to 30 cents, will be passed by the House shortly without revision. The exemption reduction already has been approved by the House Ways and Means Committee.

There has been no organized film industry opposition to the reduction in the tax exemption, in accordance with an understanding among various industry branches. In view of the emergency conditions, industry representatives are understood to have felt that no obstacles should be placed in the way of the urgent national defense plan. No hearings have been held on the legislation.

Warner Meeting Will End Tonight

PITTSBURGH, June 11.—Warners' Eastern regional sales meeting will be concluded at the William Penn Hotel tomorrow night with a cocktail party for Gradwell L. Sears, general sales manager, by Harry Kalmine, local Warner Theatres zone manager. Many exhibitors and civic leaders of this territory have been invited to attend.

Today the sales forces saw "All This and Heaven Too," and Sears outlined the sales policy on the film. Wires were read from Sam E. Morris, the Frisch and Rinzler circuit in New York and Spyros Skouras.

On Thursday district managers will hold meetings with their staffs on new product and sales policies.

'Heaven' Set in New Orleans

NEW ORLEANS, June 11.—All this and Heaven, Too" will open for an indefinite run at the Orpheum here June 27. Three shows daily are planned, with 55 to 75-cent unreserved matinee from 10 A. M. to 7 P. M. and 75 cents to \$1 at night for a single reserved seat showing.

ITOA to Talk Trade Problems Next Week

The I.T.O.A. will hold a meeting for the discussion of industry problems at the Hotel Astor next Wednesday, at which members of the local Film Board of Trade will be present. Jack Bowen has accepted the invitation for the board. Harry Brandt, I.T.O.A. president, will preside.

Personal Mention

CHARLES KURTZMAN, Loew's Boston division manager, is here conferring with JOSEPH R. VOGEL, circuit executive.

BARNEY OLDFIELD, Lincoln, Neb., film critic, and a reserve captain, has been ordered to Camp Ripley, Minnesota, for Fourth Army maneuvers in August.

JEFFREY BERNERD, TERRY RAMSAYE, HAL HORNE, ARTHUR LEE and WILLIAM FITELSON lunching at the Tavern yesterday.

GEORGE BRANDT, manager of the Flatbush, and son of WILLIAM BRANDT, will be married July 14 to VIVIENNE MANDELBAUM. Ceremony will be at the Astor.

ADOLPH G. JOHNSON of the Strand, Hamden, Conn., and Mrs. JOHNSON will attend the graduation of their son, ROBERT, at Ohio State this week.

JEANNE WARSHOW, assistant to SAM WEISS, exhibitor in Stamford and Avon, Conn., has returned from a month's vacation in California.

MILTON HYAMS, M-G-M salesman in New Haven, will celebrate his 25th anniversary June 17.

LEO BRECHER, exhibitor, has leased an apartment at 300 Central Park West.

IRVING SOCHIN, United Artists salesman in Cincinnati, is the father of a six-pound daughter.

WILLIAM C. GEHRING, 20th Century-Fox division manager, is in Detroit on product deals.

EDGAR J. DOOB, manager of Loew's, Wilmington, is visiting the home office.

R. M. SPONG, film editor of the Harrisburg News, is vacationing here.

MAX FELLERMAN, SOL EDWARDS and EMANUEL SILVERSTONE lunching at Lindy's (next to the Rivoli) yesterday.

HERMAN ROBBINS, BARRY JONES, MARCUS HEIMAN, MORRIS GEST and ARTHUR TREACHER at Sardi's yesterday for lunch.

MRS. GRACE ROGERS, exhibitor in Cairo, Ill., has returned from a Florida vacation.

CLAUDE MORRIS, M-G-M exploitation man in St. Louis, has received an air pilot's license.

FRED TEBILCOCK, manager of the Uptown, Toronto, a survivor of the recent earthquake in Lima, Peru, where he had been for a vacation, has entered a Miami hospital for an appendicitis operation.

Empire-Universal Will Meet Friday

TORONTO, June 11.—Empire Universal Films, Ltd., Canadian distributor of Universal, Republic and British product, will open its annual sales convention Friday at the Royal York Hotel here, with representatives from all parts of the Dominion and executives from the United States in attendance. Officials expected from the United States include W. A. Scully, general sales manager of Universal, and James R. Grainger, president of Republic.

The first two days of the meeting will be devoted to consideration of Universal product for the new year and, after a recess for Sunday, the convention will deal with Republic releases, the final session being scheduled for Tuesday night, June 18. The convention program has been organized by President Oscar Hanson, A. W. Perry, general manager of Empire-Universal, and Clair Hague, Canadian Universal representative.

'Our Town' Day at Fair

Tomorrow will be "Our Town" day at the World's Fair, coincidental with the opening of the Sol Lesser-United Artists film at the Music Hall. Fay Bainter and Beulah Bondi of the cast have been named mayors of the Fair's "Town of Tomorrow."

Drop Foreign Films

PITTSBURGH, June 11.—Lack of foreign product has impelled Gabe Rubin, manager of the Art Cinema, to discontinue such films.

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Fully equipped for operation
Location—New York City
Will lease or join organization having business or use for same. Schlusing, 1440 Broadway, New York.

Newsreel Parade

President Roosevelt's denunciation of Italy's entering the war heads the list of events pertinent to the conflict in the new issues. Contents follow.

MOVIE TONE NEWS, No. 79—Roosevelt speaks in Virginia. Battle in Narvik. British factories speed munitions. "Fifth column" drive in Paris. Pershing urges aid for Allies. Annapolis cadets in graduation exercises. Golf tournament in Cleveland.

NEWS OF THE DAY, No. 277—A war, peace efforts of Pope Pius VI failed. Roosevelt pledges support to Allied French guard African possessions. Par police round up "fifth column." Nazi bombers downed in France. Battle in Narvik. Open golf tournament in Cleveland. Manhattan and Roosevelt arrive from Europe.

PARAMOUNT NEWS, No. 82—Golf championships. Refugees arrive. Roosevelt. War arena extends to Mediterranean. U. S. war planes sold to Allies. Henry Ford advises on plane production. Drive to aid Allies is launched. Roosevelt addresses Virginia graduates.

RKO PATHE NEWS, No. 94—Italy enters war. Roosevelt's speech. Allies buy bombers here. "Fifth column" defenses tightened in Paris. Roosevelt arrives with refugees. Golf tournament. War in Narvik.

UNIVERSAL NEWSREEL, No. 883—General Pershing urges aid for Allies. British defense units in Egypt. Cities destroyed in France. Paris "fifth column." Britain's King and Queen pray for victory. British factories rush arms production. Navy planes released to Allies. War refugees arrive. Graduation Day at Annapolis. New cars for National Guard. Golf tournament in Cleveland.

CEA, KRS Protest Further Taxation

LONDON, June 11.—Officials of the Cinematograph Exhibitors Association and Kinematograph Renters Society have presented to Sir Wilfred Eadie in charge of customs and excise taxes the objections of the trade to further taxation.

Concrete suggestions on taxation are expected to be formulated after formal consideration of the matter by the two major trade bodies. The General Council of the C.E.A. will study the situation tomorrow.

The trade contends that the industry already is paying a theatre tax imposed as an emergency in the last war, and that it is impossible to pass a tax on to the public as is done with other commodities. It is pointed out that South and East Coast houses already have lost 75 per cent of their revenue and that further taxation will result virtually in the loss of all revenue from that area.

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★ It's a delightfully cool overnight skyscraper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAVEMeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES

The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)

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"BOOM TOWN" BOOMING!

We rush into print to tell you, because our undercover scouts tell us, that this great entertainment now in production at the M-G-M Studios is shaping into the most sensational box-office attraction of the year. And remember, "Boom Town" is just one of the life-saving line-up from M-G-M now and all Summer.

CLARK GABLE
SPENCER TRACY
CLAUDETTE COLBERT
HEDY LAMARR

in the hit of the year

"BOOM TOWN"

Screen Play by John Lee Mahin
Based on a Story by James Edward Grant

DIRECTED BY JACK CONWAY

Produced by Sam Zimbalist

A Metro-Goldwyn-Mayer Picture

"In a preceding issue of this publication M-G-M ran an advertisement which incorrectly placed the name of Miss Claudette Colbert. We wish to emphasize that the former advertisement was a misprint and that the correct billing on 'Boom Town' is as you see it here."

U.S. Backing Efforts Here To Settle Suit

(Continued from page 1)

by way of the settlement terms.

The basis of the negotiations is expected to be, in the main, the recommendations made by the Department of Commerce in a proposed consent decree submitted last January. Although those proposals made no mention of affiliated theatre divorcement, it is learned now that the Department of Justice has not waived its insistence on divorcement. Both sides have stipulated that the subject of divorcement will be held in abeyance.

Defendant companies who have conferred with the Government on a settlement have conceded that basic changes in the present system of block selling could be made and the Attorney General's office is now weighing the stand it will take on this subject. It is expected to determine, probably at today's meeting with company counsel, whether it will insist that pictures be sold singly or in small blocks of up to five pictures, as was proposed in the Department of Commerce recommendations.

If agreements can be reached by both sides on such basic points, a legal formula would be sought as the basis of a consent decree which, when written, would in effect be a code of fair trade practice for the industry.

Nick and Weston Indicted by U.S.

(Continued from page 1)

indictment. Nick has been freed of the state charges but Weston's case is still pending.

One new development was introduced, charging Nick and Weston with obtaining \$2,000 the same year from Fanchon & Marco and the St. Louis Amusement Co. to forestall demands which would have prevented the companies from carrying out their plans, later abandoned, of reopening the Orpheum. The defendants are also accused of forcing theatre owners to use the services of the Cooperative Sound Service which, the indictment charges, was organized in their behalf.

The indictment also charges that the two deliberately sabotaged theatre equipment and coerced and intimidated exhibitors.

Weber Resigns as President of A.F.M.

(Continued from page 1)

I have grown up with the A. F. M." William Green, A.F.L. president, addressing the convention, attacked Italy's entry into the war and supported America's aid to the Allies.

A resolution reaffirming the Federation's allegiance to the Government of the United States and attacking subversive movements was adopted unanimously. A gift of \$5,000 to the American Red Cross was voted.

Business sessions will be resumed tomorrow morning and continue through Friday.

Paramount British Shooting Continues

London, June 11. — David Rose, head of British activities for Paramount, announced today that the company's British production is continuing. "Hatter's Castle," from the A. J. Cronin novel, will go into work immediately, Rose said.

Film Daily Tourney Draws 200 Golfers

(Continued from page 1)

ican Pictures prize of bags. Second team runner-up, winning Astor Pictures golf balls, included a Universal aggregation of William A. Scully, Lou Pollock, Max Cohen and William Heineman.

Individual winners were: low net (a leg on *Film Daily* cup and Variety trophy), Walter Seaton; runner-up, RKO trophy, Dr. M. L. Reiffel; second runner-up, DuPont trophy, T. Newman Lawler; third runner-up, *Box-office* trophy, Lou Miller; low gross; Quigley Publications trophy and American Seating Co. prize, Mitchell May, Jr.; runner-up, Columbia trophy, W. H. Sherin; second runner-up, Mitchell May, Jr., trophy, J. A. Castellano; third runner-up, Alexander Film prize, Jack Bowen; fourth runner-up, Monogram prize, R. Montglas.

Low net, exhibitor, U. A. trophy, William Brandt; runner up, Alexander Smith & Sons rug, Harold Rinzler; low gross, exhibitor, Screen Broadcasts trophy, Max A. Cohen; runner up, General Electric Co. prize, Irving Dashkin; driving contest, National Theatre Supply trophy, G. W. Hedwig; first runner up, A. J. Powers prize, T. N. Lawler; second runner up, Erpi prize, Ray Keenan.

Birdies, winner, Warners watch, Tom Gerety; runner up, National Carbon prize, William Frankel.

Best dressed golfer, Nat Lewis robe, Charles Casanave.

The following won prizes in the tennis tournament: Louis Nizer, Jack Levin,orton Hicks, Bingo Brandt and G. W. Hedwig.

Legion Approves 8 Of Nine New Pictures

National Legion of Decency this week found four new films unobjectionable for general patronage, four unobjectionable for adults and one objectionable in part. New pictures and their classification follow:

Class A-1, Unobjectionable for General Patronage: "Frontier Crusader," "Life with Henry," "On the Spot," "Prairie Law." Class A-2, Unobjectionable for Adults: "Brother Orchid," "The Fatal Hour," "Four Sons," "Susan and God." Class B, Objectionable in Part: "The Phantom Wagon."

Study Pari-Mutuels

ALBANY, June 11. — Assembly Speaker Heck and Senate Majority Leader Hanley have appointed nine members of the legislature to study the pari-mutuel betting system with a \$15,000 appropriation which had been approved prior to adjournment late March.

Italy Move Means \$3,000,000 Loss

(Continued from page 1)

of revenue or a cessation of business. Some remittances still are expected from these Mediterranean markets and, in addition, films already on hand in those countries will be serviceable for an indefinite length of time.

It was also pointed out that if exhibition conditions warrant, shipments of new film might be essayed from Far Eastern points to Egypt and the Near East.

Closing of the Mediterranean leaves Portugal and Sweden the only completely "open" markets in all of Europe.

DOVER, Del., June 11.—RKO Radio Pictures Near East, Inc., has been incorporated here. Company representatives said the new company would be in a position to represent RKO in the Near East distribution whenever conditions warranted.

Armour to Maintain His Offices in Lisbon

Reginald Armour, European manager for RKO, plans to establish new headquarters in Lisbon, Portugal, on his return there. Armour, who has been here for home office conferences and to attend RKO's recent annual sales convention, plans to leave for Lisbon by Clipper today. His headquarters heretofore have been in Paris.

French Government Supports Producers

The French Government is giving producers financial and other support in order to continue production despite the war, says Andre Heymann of the French Cinema Center, who returned this week from Paris.

Exhibition is at its lowest level, he says, with an 8:30 P. M. curfew imposed on theatres outside the war zones. Newsreel houses are the most popular. American films continue drawing over French pictures, Heymann reports.

Extra's Suit Against Guild is Dismissed

LOS ANGELES, June 11.—Superior Judge Charles Ballard today dismissed the suit against the Screen Actors Guild brought by Ed Heim, a member, in which voting rights for extras and bit players equal to those of top players were sought. The court upheld the Guild's bylaws under which Class B players were divided from Class A players. Trial of the action started yesterday, with Kenneth Thomson, S.A.G. executive secretary, testifying.

Mexican Peso Rise Helps Film Industry

(Continued from page 1)

here now are paying less—in pesos—for American films.

General opinion in banking circles, however, is that the present quotation will not be sustained for long, some financial circles predicting a drop within 10 days. It is pointed out that the present quotation is adverse to the mining industry, Mexico's greatest industry, which was barely getting by on the former 6.1 ratio.

Screen Pays \$1,100,000 for 18 New Plays

(Continued from page 1)

for \$1,750,000, an average of \$102,941.

Only one play has been sold under a straight percentage agreement. Rights to "The Philadelphia Story" were sold to Katharine Hepburn and were subsequently resold to M-G-M on a straight payment basis.

RKO led with four purchases. Warner Bros., Paramount and U. A. had three each, M-G-M bought two and Universal and Columbia bought one each. William Dover, an agent, also bought one, for an unidentified client.

The plays and their purchasers follow: "And Now Goodbye" (Lester Cowan - Universal); "Both You and Houses" (Columbia); "Family Portrait" (Paramount); "Kiss the Boys Goodbye" (Paramount); "N Time for Comedy" (Warners); "Night Music" (Loew-Levin, U. A.); "Our Town" (Sol Lesser-U. A.); "Philadelphia Story" (M-G-M); "Remember the Day" (Dover); "Skylark" (Paramount); "The Boy from Syracuse" (Jules Levey-RKO); "The Little Foxes" (Samuel Goldwyn-U. A.); "The Male Animal" (Warners); "The Primrose Path" (RKO); "The Weak Link" (Warners); "The World We Make" (M-G-M); "Too Many Girls" (RKO); "Two On an Island" (RKO).

Despite frequent reports that "The Man Who Came to Dinner" has been sold, Fleisher denied that any deal has been set. Fleisher declared that negotiations have started on a number of occasions but none has been consummated, and the authors, George S. Kaufman and Moss Hart, are considering producing the film themselves.

Exhibitor Taunts Scranton Picket.

SCRANTON, June 11.—The Scranton public is deriving considerable amusement from the picketing of the Bull's Head Theatre by Local 329 of the operators' union, while the Pennsylvania Labor Relations Board determines the matter. Local 329 and the United Theatrical Workers, C.I.O. unit, claim jurisdiction at the house which is operated by Robert Lesau and his two sons.

Rain or shine, the pickets parade before the house, while, in marquee lights, the management taunts them much to the amusement of passersby.

To Show Stereophonic

LOS ANGELES, June 11.—Stereophonic sound will be demonstrated June 20 at the Pantages Theatre here under sponsorship of the Academy of M. P. Arts in cooperation with Erpi and Bell Telephone Laboratories. A similar demonstration was given in New York in April.

Sell Seattle Exchange

SEATTLE, June 11.—Edward Hudson and Jesse Jones, operating General Film Attractions Exchange here and Feature Film Exchange in Portland, have sold the two offices to Ted Parker of Portland.

44 New Films Now in Work In Hollywood

HOLLYWOOD, June 11.—Forty-four pictures were before the cameras this week, as nine started and five finished. Thirty-one were being prepared, and 73 were being edited.

Tally by studios:

Columbia

In Work: "Arizona," "The Howards of Virginia," "It Happened in Paris," "He Stayed for Breakfast," "Five Little Peppers at School," "The March of Crime," "The Pinto Kid."

Started: "Clay Pigeon."

M-G-M

Finished: "I Do."

In Work: "Boom Town," "Strike Up the Band," "Escape," "Bad Man of Wyoming."

Started: "Bad Man of Wyoming."

Monogram

Started: "Kid Reporters."

Paramount

Finished: "The Mystery Sea-Raider."

In Work: "Rangers in Fortune," "Rhythm on the River," "Victory," "The New Yorkers."

RKO

In Work: "Lucky Partners," "Dance, Girl, Dance," "Men Against the Sky," "One Crowded Night."

Started: "Laddie," "The Stranger on the Third Floor."

Republic

Finished: "The Girl from God's Country," "Carolina Moon."

Started: "Sing, Dance, Plenty Hot," "The Ranger and the Lady."

Roach

In Work: "Captain Caution."

Small

In Work: "Kit Carson."

20th Century-Fox

In Work: "Brigham Young," "The Return of Frank James," "I Married a Nazi," "Charlie Chan in the Wax Museum," "Ghost of the Cisco Kid."

Started: "The Great Profile."

Universal

In Work: "Junior G Men," "Spring Parade," "When the Daltons Rode," "The Mummy's Hand."

Started: "Margarie."

Warners

Finished: "They Drive by Night."

In Work: "No Time for Comedy," "The Man from Fleet Street," "River's End," "City for Conquest," "Money and the Woman," "The Letter."

Votes Sunday Films

RAVENA, N. Y., June 11.—This town has joined the list of upstate communities which have voted favorably on Sunday films after passage of the 1939 Owens Sabbath exhibition law. Mitchell Conery, who operates a seven-house circuit in that territory, is now showing Sundays at his Ravena Theatre.

Assessed Court Costs

LOS ANGELES, June 11.—Federal Judge Harry Hollzer has ordered Joan Storm, writer, who brought an unsuccessful copyright infringement suit against Mae West and National Broadcasting Co., to pay a total of \$2,347.65 in attorney's fees and court costs to the defendants.

Hunter Will Make Talking Debut in Hubbard Picture

HOLLYWOOD, June 11.—GLENN HUNTER, the "Merton of the Movies" in silent days, has been signed by LUCIEN HUBBARD at 20th Century-Fox for a role in "For Beauty's Sake," to be his sound picture debut. HUBBARD gave HUNTER his first silent film job in "West of the Water Tower" years ago. . . . MARGARET SULLAVAN has been signed by ALBERT LEWIN and DAVID LOEW to appear in "Night Music," from the CLIFFORD ODETS' play. She first will co-star with FREDRICK MARCH in "Flotsam" for them. . . . JOHN CROMWELL will direct. . . . DOUGLAS MCPHAIL will support JUDY GARLAND in "Little Nellie Kelly" at M-G-M. He was in "Babes in Arms." . . . With LEW AYRES getting the top role, NAT PENDLETON has been cast in "The Golden Fleece" at M-G-M.

Paramount is talking a new deal with DALE VAN EVERY, producer, whose contract expires at the end of the month. PAUL SLOANE and JOSEPH SANTLEY, directors, have left the lot. . . . RICHARD WALLACE has been signed to direct "Three Girls and a Gob," HAROLD LLOYD production debut at RKO. . . . RKO has signed FAY WRAY to a term deal, and placed her in the feminine lead of "Wildcat Bus," which CLIFF REID will produce. . . . GEORGE ABBOTT has signed LEROY PRINZ to direct the dance routines for "Too Many Girls," RKO release.

JANE WYMAN and RONALD REAGAN wife and husband, will supply romance interest for Warners' "Tugboat Annie Sails Again." . . . JOHN GARFIELD, PAT O'BRIEN and FRANCES FARMER top Warners' "Flowing Gold" cast. . . . ROBERT SHERWOOD has signed GORDON S. GRIFFITH as production manager of "Legacy," his first for Columbia. . . . DEL FRAZIER is working on plans to make a color short, "Thoroughbreds," concerning HARRY WARNER'S stable. Warners will release.

JEAN PARKER has a one-picture deal with Warners. . . . EDDIE SUTHERLAND is negotiating with Mayfair Productions on a deal to direct one or more pictures. . . . RAY MILLAND has taken the role of JOEL MCCREA opposite CLAUDETTE COLBERT in Paramount's "Arise My Love," and FRED MACMURRAY gets the MILLAND role opposite MADELEINE CARROLL in "Virginia." . . . RALPH WHEELWRIGHT has sold his story "Blossoms in the Dark," to M-G-M as a vehicle for GREER GARSON. It concerns a foundling home. . . . OTTO KRUGER joins the cast of 20th Century-Fox' "I Married a Nazi." . . . RALPH BELLAMY has one of the leads in RKO's "Dance, Girl, Dance." . . . RKO has given a term pact to GENE RAYMOND. . . . MICHAEL CURTIZ will direct "The Constant Nymph" at Warners.

'Doctor' Garners \$8,000 in Seattle

SEATTLE, June 11.—"The Doctor Takes a Wife" led in a slow week here, with \$8,000 at the Liberty. "Lillian Russell" took \$8,200 at the Fifth Avenue. The weather was fair.

Estimated takings for the week ending June 7:

"My Favorite Wife" (RKO)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,400. (Average, \$4,000)
"Lillian Russell" (20th-Fox)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$8,200. (Average, \$7,000)
"The Doctor Takes a Wife" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: \$8,000. (Average, \$5,000)
"Edison, the Man" (M-G-M)
"Curtain Call" (Univ.)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,000. (Average, \$4,000)
"Dr. Kidnare's Strange Case" (M-G-M)
"Beyond Tomorrow" (RKO)
ORPHEUM—(2,450) (25c-40c) 7 days. Gross: \$5,300. (Average, \$6,000)
"Terrid Zone" (W. B.)
PALOMAR—(1,500) (25c-40c) 4 days, 2nd week. Vaudeville headed by Jad Paule. Gross: \$3,000. (Average, \$5,000)
"20 Mule Team" (M-G-M)
"Opened by Mistake" (Para.)
PARAMOUNT—(3,050) (25c-40c) 7 days, 2nd week. Gross: \$5,700. (Average, \$6,000)

Takes Zeidman Film

A deal has been closed between Zeidman International, Inc., headed by B. F. Zeidman, and Select Attractions, Inc., for the release in the United States of Zeidman's latest production "Leopard Men of Africa."

Buys Canadian Rights

E. R. Conne, producer of "Family of Nations," filmed in England, has sold the Canadian distributing rights to United Artists.

'Russell' Is Denver Lead With \$9,500

DENVER, June 11.—At the Denver "Lillian Russell" and "Charlie Chan's Murder Cruise" took \$9,500. "Edison, the Man" and "Bill of Divorcement" took an average \$9,800 at the Orpheum.

Estimated takings for the week ending June 5:

"House Across the Bay" (U. A.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: \$3,500. (Average, \$3,500)
"My Favorite Wife" (RKO)
"Saint Takes Over" (RKO)
BROADWAY—(1,040) (25c-35c-40c) 7 days, 3rd week. Gross: \$2,500. (Average, \$2,500)
"Those Were the Days" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: \$3,000. (Average, \$6,000)
"Lillian Russell" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: \$9,500. (Average, \$8,000)
"Edison, the Man" (M-G-M)
"Bill of Divorcement" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: \$9,800. (Average, \$9,800)
"Saturday's Children" (W. B.)
"Ski Patrol" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: \$3,750. (Average, \$3,500)
"If I Had My Way" (Univ.)
"Babies for Sale" (Col.)
RIALTO—(878) (25c-40c) 7 days, "If I Had My Way" 3rd week. Gross: \$2,000. (Average, \$1,750)

Gibraltar Closes 3

DENVER, June 11.—Three houses have been closed by Gibraltar Enterprises. They are the Oto, Scottsbluff, Neb.; Burro Alley, Santa Fe, N. M., and Riviera, Gering, Neb.

Not Opening for Summer

WALNUT BEACH, Conn., June 11.—Burton Smith will not open the Tower this Summer, as usual. The Colonial will be continuous.

'Irene' With Crosby Give Loop \$28,000

CHICAGO, June 11.—"Irene," plus Bob Crosby and his band on the stage of the Oriental, brought \$28,000. "The Farmer's Daughter," with a Sally Rand show on the stage, drew \$16,000 at the State-Lake. The weather was warm.

Estimated takings for week ending June 7:

"Saturday's Children" (W. B.)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$5,500. (Average, \$6,500)
"Lillian Russell" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Connie Boswell. Gross: \$31,000. (Average, \$32,000)
"40 Little Mothers" (M-G-M) (5 days)
"Edison, the Man" (M-G-M) (2 days)
GARRICK—(1,000) (35c-55c-75c). Gross: \$3,400. (Average, \$5,000)
"Irene" (RKO)
ORIENTAL—(3,200) (35c-55c-65c) 7 days. Stage: Bob Crosby & Band. Gross: \$28,000. (Average, \$13,000)
"Farmer's Daughter" (Para.)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Sally Rand Roadshow. Gross: \$16,000. (Average, \$15,000)
"Waterloo Bridge" (M-G-M) (2 days)
"Edison, the Man" (M-G-M) (5 days)
UNITED ARTISTS—(1,700) (35c-55c-75c). Gross: \$9,000. (Average, \$14,000)
"Gene With the Wind" (M-G-M)
WOODS—(1,100) (75c-\$1.10-\$1.50) 7 days, 19th week. Gross: \$8,500
"Typhoon" (Para.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: \$9,000. (Average, \$11,000)

'Angels,' Tucker \$27,000 in Detroit

DETROIT, June 11.—"Flight Angels," augmented on the stage by Orrin Tucker and his band, drew \$27,000 at the Michigan. "Edison the Man" and "It All Came True" at the United Artists took \$12,000.

Estimated takings for the week ending June 6:

"Sky Devils" (M-G-M)
"Alias the Deacon" (Univ.)
ADAMS—(1,600) (15c-55c) 6 days. Gross: \$5,000. (Average, 7 days \$5,000)
"Rebecca" (U. A.)
"Three Cheers for the Irish" (W. B.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,000. (Average, \$6,000)
"Lillian Russell" (20th-Fox)
"Jones Family on Their Own" (U. A.)
FOX—(5,000) (20c-55c) 5 days. Gross: \$12,000. (Average, 7 days, \$15,000)
"Flight Angels" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Orrin Tucker on stage. Gross: \$27,000. (Average, \$12,000)
"Terrid Zone" (W. B.)
"Waterloo Bridge" (M-G-M)
PALMS—(2,000) (15c-55c) 7 days. Gross: \$7,000. (Average, \$7,000)
"Edison, the Man" (M-G-M)
"It All Came True" (W. B.)
UNITED ARTISTS—(2,000) (15c-55c). Gross: \$12,000. (Average, \$10,000)

Ricketson Takes Over FWC Towns in Mont.

DENVER, June 11.—Rocky Mountain division of National Theatres, of which Rick Ricketson is manager with headquarters here, has taken over Fox West Coast operations in Butte, Great Falls, Lewistown and Billings in Montana. Under the new setup, the division is now a single unit from Mexico to Canada.

Hall Baetz has been appointed Salt Lake City district manager, taking over territories formerly supervised by Fred Glass and Dick Dickson. Glass has returned to Denver as assistant to Ricketson, while Glass has returned to Southern California.

Postpone Allocation Of Air Frequencies

Washington, June 11.—Re-allocation of broadcasting frequencies under the North American Regional Broadcast Agreement, originally set for Aug. 1, was postponed for two months today by the F.C.C.

As a result, licenses of all standard stations which expire Aug. 1 will be extended until Oct. 1. However, broadcasters must file applications for renewal unless they have already done so.

U. S. Film a Special On Col. Program

ATLANTIC CITY, June 11.—"The Fight for Life," documentary maternity picture produced by Pare Lorentz for the U. S. Film Service, distribution rights to which were acquired by Columbia recently, will be released on the 1940-41 schedule as a special, Abe Montague, Columbia general sales manager, told the company's Eastern sales convention in session at the Ritz Carlton here today.

Montague said the film will be pre-released in a number of key cities.

A cable expressing the optimism of Columbia's British sales force in the face of wartime conditions abroad was received by the convention from Max Thorpe, Columbia general sales manager for Britain.

Managers' Union to Stay in Film Field

Revocation of autonomy for the Motion Picture Division by the Theatrical Managers, Agents and Treasurers Union, the parent body, on Monday did not mean the withdrawal of the T.M.A.T. from the film field, it was said yesterday.

Autonomy for the film division required a separate board of governors and too much information leaked out concerning the union's plans, it was said. Under the new setup, the motion picture division will be ruled directly by the board of governors of the parent body with Charles Carroll and Joseph Silverman, the officials now in charge of theatre unionization, likely to remain.

Carolina Exhibitor Meeting Concluded

MYRTLE BEACH, S. C., June 11.—The Theatre Owners of North and South Carolina today concluded their three day annual convention at the Ocean Front Hotel here. The delegates today confined themselves to recreational activity.

At yesterday's session, speakers included Claude Lee, Paramount; Lyle M. Wilson, Roanoke Rapids, and George Dembow of National Screen Service. In the chief address, Ed Kuykendall, president of the M.P. T.O.A., deplored the many lawsuits in the industry and said that many of them could be settled by arbitration. He declared automatic slot machine films a menace to the industry.

Altec, Wometco in Deal

The 12 Wometco Circuit theatres in Miami and Miami Beach, Fla., will be serviced by Altec Service Corp., under a renewal agreement.

Off the Antenna

CREATION of separate sales staffs for both NBC networks was announced yesterday. Roy C. Witmer, vice-president, will devote all his time to sales on the Red while Edgar Kobak will return to NBC as vice-president in charge of sales on the Blue. Keith Higgins will be Blue sales manager.

The move was made necessary by the increasing importance of the Blue network, Witmer said. The Red network now has 125 affiliated stations and the Blue has 63, as compared with 96 for both in 1936.

Purely Personal: Edward J. Herlihy, NBC announcer, has purchased an animal farm at Springfield, Mass., and has invited almost everybody in radio to attend an old fashioned New England clambake there Saturday. . . . Edmund Taylor has been added to the Paris staff of CBS. . . . Eleanor Roosevelt's Tuesday and Thursday talks over NBC now originate from the Radio City studios. She is commuting from Hyde Park for the Summer. . . . Ted Herbert, formerly salesman at WOR, has joined the WHN sales staff. . . . Raymond Gram Swing, Mutual commentator, will make the commencement address at Olivet College on Sunday. The talk will be broadcast by Mutual and C.B.C. . . . Marcia Mae Jones, Jack Arnold and Jacqueline Wells have been added to the cast of "The Career of Alice Blair" to support Martha Scott and Joseph Cotton.

Short wave activities: NBC's international short wave division yesterday added a sixth sponsor and has a seventh ready to sign. The Astor Hotel will sponsor Tommy Dorsey's band Wednesdays at 10:15 P. M. for a half hour "Carnaval de Broadway." The fifth sponsor to be signed was RCA Manufacturing which is sponsoring a half hour daily on behalf of Apex Washing Machines.

WNBI, one of NBC's short wave stations, yesterday gained another channel when the FCC granted it the 11,820 k.c. band in addition to the four it now has. Both WNBI and WRCA have applied for an increase in power from 25,000 watts to 50,000. With a new antenna design, each station will have an effective power of 650,000 on the direct beam to Latin America.

The war will have no effect on short wave programs to Italy. News programs are now transmitted to Germany, Italy and other belligerent nations and these programs will be continued.

A series of specially prepared films for television will start over W2XBS this afternoon under the sponsorship of Packard Motor Car Co. Packard has prepared a series on points of interest and tourist information. After being shown on television, the films will be used for general commercial distribution.

Programs: Procter & Gamble yesterday renewed for an additional year sponsorship of daytime script shows for four and a half hours Mondays through Fridays over the NBC Red and Blue networks. A total of 18 shows are currently used. . . . Liggett & Myers Tobacco Co. has renewed "Pleasure Time" over NBC-Red for one year. The program is heard Mondays through Fridays at 7 P. M. . . . Shifted once again, Columbia's "Gay Nineties Revue" moves to 8 P. M. next Saturday. . . . The "Esso Television Reporter" achieved the highest program rating for its final week just before going off W2XBS several weeks ago. . . . WMCA has obtained Recordio, a home recording device, as sponsor for "Radio News Reel." . . . Artie Shaw, the bandleader, returns to radio July 1 for the new Burns & Allen show. . . . Friday, a magazine, is sponsoring spot announcements over WHN. . . . "Truth and Consequences," a leading audience participation show, will shift from its present test CBS network to NBC in about two months. Ivory Soap is the sponsor. . . . Drew Pearson and Robert Allen, Washington correspondents, will be the Summer replacement for J. B. Williams Co.'s "True or False" over 35 NBC-Blue stations beginning July 8. . . . Carnation Milk has renewed Arthur Godfrey over nine Mutual stations thrice weekly effective July 13. . . . Giorgio Micodemi will be heard over WBNX thrice weekly in a program broadcast in cooperation with the Museum of Science and Industry. . . . "Young People's Church of the Air" has been renewed over WMCA for an additional year.

Sues Over Program

Claiming exclusive right to the radio program, "Take It Or Leave It," American Broadcasting Co. has filed suit in the U. S. District Court against the Wahl Co. and the Biow Co., Inc., in which an injunction and \$240,500 damages are asked. Plaintiff claims to have originated a similar program, "Double or Nothing" in December 1939.

Foreign Heads Due

Among the 20th Century-Fox foreign executives who are due in this country for furloughs within the next four months are Otto Bolle, managing director in South Africa; S. S. Horen, Argentina; D. B. Lederman, Philippines; W. B. Morgan, France, and R. A. Kreier, assistant European manager.

Texas Network Sued

Texas State Network, Inc., has been named defendant in a breach of contract suit for \$10,438 filed in the N. Y. Supreme Court by Tested Radio features, Inc. Suit claims that the defendant failed to pay for the right to use recorded episodes of the program, "Calling All Cars."

Miriam Hopkins Signed

HOLLYWOOD, June 11.—Miriam Hopkins has been assigned by Warners to play opposite George Brent in "The Lady with Red Hair," a role originally assigned to Bette Davis.

W.E. Sets Dividend

The board of directors of Western Electric Co. yesterday declared a dividend of 75 cents per share on the common stock, payable June 29 to stock of record June 24.

Stations May Open 4 A.M. for Farmers

WASHINGTON, June 11.—All day and limited-time broadcasting stations have been given blanket authorization by the Federal Communications Commission to begin operation at 4 A.M., local standard time, in order to furnish service to farmers and other rural dwellers rising before sunrise.

The purpose of the move is to give early local service in areas which heretofore have had to rely on distant stations for general news and information concerning local weather conditions, etc. The commission explained that there may be some interference between 4 A.M. and sunrise but that it would be mainly with stations conducting experimental research.

Would Ban Actors From Benefit Shows

A proposal that performers earning less than \$100 weekly be banned from giving free services at benefits in New York has been submitted by the Theatre Authority to the actor unions. The move is designed to prevent the excessive appearances at benefits of night club performers and musical comedy choruses. The rule is now enforced in Chicago.

Monday, a Theatre Authority committee, composed of Jean Hersholt, representing the West Coast Authority, Alan Corelli, T. A. executive secretary, and Blanche Witherspoon, executive secretary of the American Guild of Musical Artists, met with Mrs. O. H. P. Belmont to discuss aid by performers for the American Red Cross.

Phila. Strike Threat By AGVA Called Off

PHILADELPHIA, June 11.—Deadline which was set for yesterday for local agents to obtain franchises from the American Guild of Variety Artists was called off by Tom Kelley, A.G.V.A. executive secretary, Kelley acceded to the agents' demand and will ask the union's national office to issue a blanket franchise to the Entertainment Managers Association. Up to the present, A.G.V.A. has recognized only the Artists Representatives Association.

Postponement of the deadline and strike order is understood to have been made at the request of city and state officials because of the forthcoming Republican convention here.

Farmer-Guild Claim Settled for \$1,000

Frances Farmer, who was brought up on charges before Actors Equity for leaving the cast of "The Fifth Column" during rehearsals last January, has settled the dispute with the Theatre Guild by payment of \$1,000, it was disclosed yesterday.

The Equity council yesterday received a copy of the one big union report of Bernard Reis, accountant, and referred it to the committee on economy and efficiency for study.

Connolly Leaves SAG

Eastern branch of Screen Actors Guild yesterday dismissed Michael Connolly, outside representative. The dismissal was for economy reasons, it was said.

'Waterloo' Is Hit in Boston With \$41,000

BOSTON, June 11.—Boston grosses were strong. "Waterloo Bridge" and "The Lone Wolf Meets a Lady" drew \$24,000 at the Orpheum and \$17,000 at the State. The Keith Boston took \$100 with Horace Heidt's band and "The Saint Takes Over."

Estimated takings for the week ending June 5:

"The Saint Takes Over" (RKO)
KEITH BOSTON—(3,200) (25c-40c-65c) 7 days. Horace Heidt on stage. Gross: \$19,000. (Average, \$8,000)

"If I Had My Way" (Univ.)
"Girl in 313" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: \$16,000. (Average, \$16,000)

"Torrid Zone" (W. B.)
"Fugitive From Justice" (W. B.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$17,500. (Average, \$15,500)

"Dark Command" (Rep.)
"French Without Tears" (Para.)
PARAMOUNT—(1,797) (25c-36c-40c-55c) 7 days. Gross: \$7,000. (Average, \$7,500)

"Dark Command" (Rep.)
"French Without Tears" (Para.)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: \$4,500. (Average, \$4,500)

"Typhoon" (Para.)
"Opened by Mistake" (Para.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$3,200. (Average, \$4,000)

"Waterloo Bridge" (M-G-M)
"The Lone Wolf Meets a Lady" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$17,000. (Average, \$12,000)

"Waterloo Bridge" (M-G-M)
"The Lone Wolf Meets a Lady" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$24,000. (Average, \$17,500)

'Torrid' Milwaukee Winner with \$5,500

MILWAUKEE, June 11.—Ideal Summer weather and a carnival hurt the box-office. Best was "Torrid Zone" at the Warner with \$5,500. "The Doctor Takes a Wife" and "Phantom Raiders" drew \$4,800 at the Palace.

Estimated takings for the week ending June 3-6:

"Lillian Russell" (20th-Fox)
"Viva Cisco Kid" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 5 days, 2nd week. Gross: \$4,000. (Average, \$5,500)

"Torrid Zone" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$5,500. (Average, \$4,500)

"The Doctor Takes a Wife" (Col.)
"Phantom Raiders" (M-G-M)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: \$4,800. (Average, \$4,000)

"The Lone Wolf Meets a Lady" (Col.)
RIVERSIDE—(2,700) (25c-30c-40c) 7 days. Stage: Vaudeville. Gross: \$6,000. (Average, \$6,500)

"Typhoon" (Para.)
"Seventeen" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$1,250. (Average, \$1,500)

Omaha Gives \$6,700 To 'Favorite Wife'

OMAHA, June 11.—"My Favorite Wife" "pulled \$6,700 at the Brandeis. Estimated takings for the week ending June 5-6:

"My Favorite Wife" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: \$6,700. (Average, \$4,000)

"Edison, the Man" (M-G-M)
"And One Was Beautiful" (M-G-M)
OMAHA—(2,000) (25c-40c) 7 days. Gross: \$5,000. (Average, \$6,000)

"My Son, My Son!" (U. A.)
"Girl in 313" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,200. (Average, \$7,200)

Hollywood Reviews

"Girl in 313"

(20th Century-Fox)

HOLLYWOOD, June 11.—Herewith a combination of elements in two recent 20th Century-Fox vehicles, "I Was an Adventuress" and "Free, Blonde and 21."

Like the former, a tale of jewel thieves operating in the upper reaches of society, "Girl in 313" also partakes of "Free, Blonde and 21" in that its title and large part of its setting derived from the "Hotel for Women" group of which "Free, Blonde and 21" was a part.

Also like the last named picture, this was directed by Ricardo Cortez and produced by Sol Wurtzel. The screenplay, by Harry Trivers and Clay Adams, based on a story by Hilda Stone, concerns a gang of jewel thieves led by an outwardly respectable jeweler, in the person of Lionel Atwill.

The gang is ultimately broken up by a girl detective after she has professed to join in its crimes. In so doing she falls in love with one of its members, ultimately shot by the police.

Florence Rice and Kent Taylor have the principal roles. Also seen are Katherine Aldrich, Elyse Knox and Joan Valerie, all of whom also appeared in "Free, Blonde and 21." Mary Treen has the humorous role of the hotel's maid, previously enacted by Joan Davis.

Running time, 57 minutes. "G."*

W. S.

"Private Affairs"

(Universal)

HOLLYWOOD, June 11.—A farce involving family dignity attributed popularly to Bostonians and the selling of stock, "Private Affairs" gave evidence of being an adept gloom chaser at its Hollywood preview. It presents Nancy Kelly, Hugh Herbert, Roland Young, Robert Cummings and others in a fast moving story of how a "black sheep" of a Boston family returns after 20 years' absence to see that his daughter lives her own life, and who finally becomes a success and is reconciled with his father, long since estranged.

Charles Grayson, Leonard Spiegelgass and Peter Milne wrote the screenplay, adapting the story, "One of the Boston Bullertons," by Walton Green, in a light manner, giving full sway to comedy and situation, although some cliché devices are used.

Director Albert S. Rogell let Young and Herbert carry the comedy in their competent way. Glenn Tryon was the associate producer under Burt Kelly.

Running time, 75 minutes. "G."*

VANCE KING

*"G" denotes general classification.

'Favorite Wife' Gets \$6,700, Providence

PROVIDENCE, June 11.—"My Favorite Wife" and "The Saint Takes Over" drew \$6,700 at the RKO Albee, and "Waterloo Bridge" and "A Bill of Divorcement" brought \$11,300 to Loew's State. Elsewhere business was off.

Estimated takings for the week ending June 5-6:

"My Favorite Wife" (RKO)
"The Saint Takes Over" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: \$6,700. (Average, \$6,000)

"Waterloo Bridge" (M-G-M)
"A Bill of Divorcement" (RKO)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$11,300. (Average, \$11,000)

"Lillian Russell" (20th-Fox)
"Hot Steel" (Univ.)
MAJESTIC—(2,250) (25c-35c-50c) 8 days. Gross: \$6,200. (Average, \$7,000)

"Opened by Mistake" (Para.)
"The Crooked Road" (Rep.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$2,600. (Average, \$6,000)

"Gaucho Serenade" (Rep.)
"Curtain Call" (RKO)
FAY'S—(1,800) (15c-25c) 7 days. Gross: \$1,800. (Average, \$2,500)

"Torrid Zone" (W. B.)
"Girl in 313" (20th-Fox)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,600. (Average, \$3,500)

"Primrose Path" (RKO) (3 days)
"The Dark Command" (Rep.) (3 days)
"Johnny Apollo" (20th-Fox) (4 days)
"The Doctor Takes a Wife" (Col.) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,400. (Average, \$1,700)

'Edison' Montreal Winner at \$8,000

MONTREAL, June 11.—"Edison the Man" clicked at Loew's with \$8,000. The second week of "My Favorite Wife" produced \$5,800 at the Palace.

Estimated takings for the week ending June 7:

"If I Had My Way" (Univ.)
"The Man From Montreal" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$5,800. (Average, \$8,000)

"Edison, the Man" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: \$8,000. (Average, \$8,000)

"My Son, My Son" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 3rd week. Gross: \$1,800. (Average, \$5,000)

"My Favorite Wife" (RKO)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: \$5,800. (Average, \$10,000)

"The Man With Nine Lives" (Col.)
"Blondie Brings Up Baby" (Col.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$3,500. (Average, \$5,000)

Max Cohen, Boyar in New Producing Group

Boyar Associates has been formed as a consultant group in legitimate production and financing. Included are Ben Boyar, general manager for Max Gordon; Max A. Cohen, head of the Cinema Circuit; Rudolf Adler, T. B. McDonald, Emil Friedlander, Mac and Henry Weiss and Andrew Geoly. The group also plans to produce on Broadway and on the road.

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VOL. 47. NO. 116

NEW YORK, U.S.A., THURSDAY, JUNE 13, 1940

TEN CENTS

Defendants Insist on No Divorcement

Counsel So Tells Arnold At Special Meeting

Major company counsel at a specially called conference late yesterday with Thurman W. Arnold, Assistant Attorney General, informed him that they would not consent to theatre divorcement in the negotiation of a settlement of the New York anti-trust suit.

This is one of the main points at issue. It was agreed that the divorcement question would be held open pending the determination of other proposed settlement terms.

It has been proposed that the fair trade practice code expected to eventually be subject to Federal court administration for a probationary period of about two years.

After morning and afternoon meetings yesterday, Government and company counsel will meet again today to continue discussions of proposals for
(Continued on page 4)

Each Member Writes Own Neely Version

WASHINGTON, June 12.—Members of the House Interstate Commerce Committee's Neely bill subcommittee are working on the block booking measure individually and have made no arrangements for a meeting for discussion of a revision of the measure, it was learned today.

It was said that each of the seven members of the subcommittee is working
(Continued on page 4)

Senate Hearings for New Admission Tax

Washington, June 12.—Senate Finance Committee will hold public hearings during the next two days on the Administration's emergency defense tax program which includes lowering the exemption of Federal taxes from 40 cents to 30 cents theatre admission for five years. The House passed the measure yesterday, 396 to 6. The committee plans to bring the bill to a Senate vote Monday.

FCC Report Clears Webs on Monopoly; Suggests Reforms

WASHINGTON, June 12.—The FCC in its long delayed broadcasting monopoly investigation report today held that the major networks engaged in many "arbitrary and inequitable practices" but exonerated them of the charge of monopoly.

A summary of the 1,300-page report was released in advance of its printing or consideration by the full Commission.

The special committee in charge of the inquiry asserted that reforms were needed but held that network service had such advantages that it should be maintained. No new legislation is needed as the FCC has all the necessary authority, the report said.

The "heart of the abuses" is in the network-outlet contract which subordinates the interest of the affiliated station to those of network-owned stations, the FCC said. Abuses cited were provisions which prevent outlets from accepting programs from other

(Continued on page 8)

Union Pact Clears RKO-Cocalis Deal

Empire State and Operators Union Local 306 have arrived at an agreement which will clear the way for the acquisition of 11 Bronx and upper Manhattan houses by RKO from the Cocalis circuit.

Under the deal between the unions,
(Continued on page 4)

BRITISH STUDIOS MAY GO TO CANADA

I.A., 306 Map Complete N.Y. Union Drive

Complete unionization of New York theatres by the I.A.T.S.E. will be discussed by the executive boards of the I.A. and Operators Union Local 306, within a few weeks, it was disclosed yesterday. The resolution calling for a drive was introduced by Local 306 at the recent I.A. convention in Louisville.

Union officials were reluctant to disclose their plans but the drive probably will center about Local 306 contracts in houses where members of the Empire State union are now employed, it was said. It was not revealed whether this would involve renewed hostilities between the two unions with the resultant cross-picketing but Local 306 sources declared that a merger of the two groups is still under consideration. A cross-picketing drive which was started about four weeks ago has been dropped, it was pointed out.

I.A. officials declared that the group insurance plan has been dropped, since
(Continued on page 4)

Korda Is Starting Move, Reports R. C. Sherriff, Arriving at Montreal

MONTREAL, June 12.—Removal of Britain's production industry to Canada, with Alexander Korda pioneering in the movement, is in prospect, Robert C. Sherriff, author and screen writer, said on his arrival here today from England.

British producers already are prospecting this country as a possible new home, and most of them are particularly interested in Montreal as a new base of operations, Sherriff said. His own mission here is of that nature. He is here to make a study of facilities and sites for Korda who, he said, is now on the Atlantic en route here, and who plans to make several pictures in Canada.

"It is almost impossible to make pictures in England," Sherriff said. "Not only is there the wartime disruption of things generally, but better uses are being found for most studios around London.

"Yet it is realized that the entertainment industry is important in war time."

"I do know," he said, "that Korda plans to make some pictures in Canada. I think he will try to do something big; something that will show the basis of Canadian development."

Sherriff claimed Korda had discussed the advantages of a removal of British production to Canada with the late Lord Tweedsmuir, and said he thought Korda's trip here was a direct result of those discussions. Sherriff, author of "Journey's End," has collaborated with Korda on a number of pictures in recent years.

Life Enjoined on 'Dictator'; Chaplin Sees 5 Million Net

Charles Chaplin expects to make in excess of \$5,000,000 profit from his new film, "The Dictator," a United Artists release, it was disclosed yesterday when Chaplin obtained a temporary injunction against Time, Inc., restraining them from circulating a page picture in Life Magazine of Chaplin in the film's title role.

The injunction, granted by Federal Judge John C. Knox, affects only 1,200,000 issues in the possession of the defendant, and does not apply to 1,600,000 copies which already have left the plant.

Earlier, Chaplin had filed suit in U. S. District Court against Time, Henry R. Luce, John Shaw Billings, Roy E. Larsen and Charles D. Jackson, asking a permanent injunction,

\$1,000,000 damages and further "exemplary damages."

The plaintiffs claim the defendants "surreptitiously" obtained from the Chaplin studio, without the knowledge or the consent of the plaintiff "photographic episodes" and parts of scenes from "The Dictator." On June 10, the complaint states, the plaintiffs were first informed that the defendant proposed to reproduce the picture of Chaplin in the June 17 issue of Life. The plaintiffs assert that the publication would prove to be "irreparable damage" to the sale of the first publication rights to the film and to a proper exploitation of the picture "pursuant to a carefully organized plan." Defendants said they bought the pictures from an unidentified man.

British Quota Films In Year Were 25%

London, June 12.—The percentage of British films released during the quota year ended March 31, last, totaled 25.78 per cent, according to the Board of Trade.

During the year there were registered 108 British features, with a total footage of 715,984, and of which 20 counted for double quota and six for triple. A total of 399 foreign features were registered, with an aggregate footage of 2,615,803.

Nick Surrenders, Gives \$15,000 Bond

St. Louis, June 12.—John P. Nick, indicted by a Federal grand jury here yesterday on charges of violating the Federal anti-racketeering act in connection with his former domination of the local operators union, surrendered today and furnished \$15,000 bond. His chief aide, Clyde A. Weston, indicted with him, has not yet appeared to furnish bond.

Greenthal Names

11 Field Staff Men

HOLLYWOOD, June 12.—The names of 11 members of the new United Artists permanent field exploitation force were disclosed here today by Monroe Greenthal, exploitation manager.

The following were named: George Scher, Boston and New Haven; Charles Perry, Philadelphia and Washington; Ed Fisher, Cleveland, Cincinnati and Indianapolis; Irwin Zeltner, Buffalo and Pittsburgh; James Gillespie, Atlanta, Charlotte and New Orleans; Frank Bruner, Dallas; Lou Guimond, Canada; Art Catlin, Chicago and Milwaukee; Bernard Evans, St. Louis, Kansas City and Omaha; Lew Maren, Los Angeles and San Francisco; Sam Siegel, Seattle. Three locations remain to be filled.

W.B. Executives Off To Chicago Today

PITTSBURGH, June 12.—Warner home office executives attending the sales convention here leave tomorrow for Chicago, where the second of the two regional meetings will be held.

At a cocktail party tonight, Judge M. A. Musmano presented Gradwell L. Sears, general sales manager, with an honorary police lieutenantancy in the local force.

'Hopalong' 70 Minutes

HOLLYWOOD, June 12.—Harry Sherman will make the "Hopalong Cassidy" series next season in 70-minute features, instead of 60 minutes. Paramount releases the films.

Personal Mention

MATTHEW J. FOX, Universal vice-president, will arrive from the Coast Monday to spend the summer at the home office.

DAVE CHATKIN, vice-president of Monarch Theatres, is due back from the Coast in about two weeks.

SIDNEY FRIEDBERG, attorney associated with Phillips, Nizer, Krimm & Benjamin, and Mrs. FRIEDBERG are honeymooning in the South.

HARRY BRANDT, LAWRENCE TIBBETT, JACK COHN, and ABE LYMAN lunching at Lindy's (51st St.) yesterday.

ARTHUR LOEW, MORT SPRING, BORIS KAPLAN, CHARLES SONIN, STANTON GRIFFIS and DENNIS KING at Sardi's yesterday for lunch.

HARRY GOETZ, J. J. UNGER, CHARLES CASANAVE, CHARLES REAGAN, WILLIAM F. RODGERS and ED SAUNDERS lunching at Nick's Hunting Room in the Astor yesterday.

HAROLD ARMISTEAD, operator of the Lyric, Easley, S. C., and Mrs. ARMISTEAD are visiting the Fair.

EMMA SCHRIMF, of the Mecca, Saginaw, Mich., is a World's Fair visitor.

SOL EDWARDS, GEORGE HADER, SAM COSMAN, MAX FELLERMAN and SEYMOUR POE at Lindy's (51st St.) yesterday for lunch.

JACK PEGLER, HAL HORNE, SAM SHAIN, TRUDY WHITMAN, ROBERT SAVINI and DOUGLAS ROTHACKER at the Tavern yesterday for lunch.

Scully and McCarthy To Toronto Meeting

W. A. Scully, Universal general sales manager, and F. J. A. McCarthy, Eastern sales manager, left for Toronto last night to attend the annual sales convention of Empire Universal Films, Ltd., which distributes Universal product in Canada. The meeting will run from tomorrow through next Tuesday.

LEO SPITZ flew from Chicago to the Coast yesterday.

IRVING BRODY of the Interstate Circuit will leave tomorrow for Dallas after two weeks here.

MORRIS IUSHEVITZ, publicity representative for Operators Union, Local 306, became the father of a six-pound girl on Tuesday.

SAMUEL SELETSKY, Republic New Haven manager, will bring his family to Silver Sands, beach resort, for the Summer.

WALTER LLOYD, manager of the Allyn, Hartford, Conn., is on a motor trip to Tampa.

NAT RUBIN, Loew-Poli assistant in New Haven, has returned to work following an operation.

PEARCE PARKHURST of the State Theatre, Torrington, Conn., was a visitor here yesterday.

RALPH BLALOCK, purchasing agent for the Wil-Kin Theatre Supply Co., Atlanta, and MARGARET MCKNIGHT of Spartanburg, S. C., will be married next Tuesday at the Little Church Around the Corner here.

ARTHUR BERGOFFEN, former theatre manager, is now entertainment manager at Woodlawn Villa, White Lake, N. Y.

CHICO MARX is in Cedars of Lebanon Hospital, Hollywood, for observation of a streptococcus infection.

GEORGE RAFT arrives from the Coast tomorrow for a two-week vacation.

Schenck, Moskowitz Bail Fixed at \$1,500

Federal Judge William Bondy yesterday fixed bail for Joseph M. Schenck and Joseph H. Moskowitz at \$1,500 each, after Schenck pleaded not guilty to two counts involving a tax controversy with the Government, and Moskowitz to one count.

The court stated that it would place no restrictions on Schenck's freedom to travel to and from the Coast in connection with his business. Judge Bondy set July 29 as the date when he will fix a date for trial. Schenck was represented in court by Max D. Steuer and Moskowitz by John Burns. Judge Bondy granted Steuer's request for 30 days to make any necessary motions directed against the indictment and for an opinion to withdraw the plea of not guilty.

ITOA Election July 3

Annual election of the I.T.O.A. has been postponed from next Wednesday to July 3, since next week's meeting at the Hotel Astor will be devoted to a discussion of industry problems, to which members of the New York Film Board of Trade have been invited.

'Gamblers' Leads Set

HOLLYWOOD, June 12.—Warners will co-star Bette Davis and Charles Boyer in "The Gamblers", from the Dostoevski novel. Albert Basserman will support.

War Cancels Talks With France, Italy

Extension of the war in France and the Mediterranean has automatically halted negotiations with France for an agreement on withdrawal of currency and with Italy for a resumption of film trade with America, foreign department executives stated yesterday.

The opinion here is that currency will remain totally blocked in France indefinitely. No remittances France have been permitted for the past three months while the new monetary agreement was in negotiation. It proposed a partial withdrawal of currency by American companies, similar to the regulations in effect in England. It was said that there is no reason to believe that the agreement will be concluded now or that any currency withdrawals will be authorized by France.

Italy's entrance into the war automatically ended all remaining hope of a new agreement to permit resumption of film shipments to that country.

The war in the Mediterranean also is regarded as rendering useless the recent monetary agreement reached with Egypt, which permitted withdrawals of 50 per cent of American companies' revenues there.

All Paris offices of American film companies have been removed to Bordeaux with the exception of skeleton staffs which Universal and Columbia are maintaining in Paris. Part of the Universal Paris staff was transferred to Nantes.

Musicians Endorse Neely Booking Bill

INDIANAPOLIS, June 12.—The Neely block booking bill "or any substitute therefor" was endorsed by the American Federation of Musicians at their convention here today.

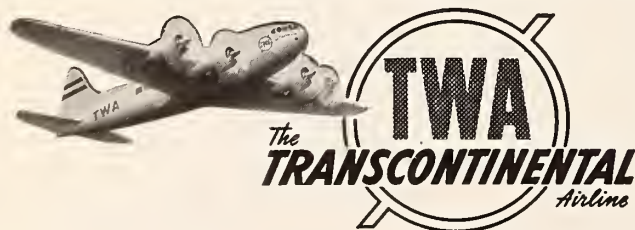
Joseph N. Weber, who announced his resignation as president earlier this week, was named technical advisor, a newly created position, at a salary of \$20,000 annually. Elections take place Friday with nominations on Thursday.

A resolution calling on members to discontinue making recordings or electrical transcriptions until an agreement is reached with recording companies, distributors and music box operators was referred to the executive committee. Continuance of WPA music projects was endorsed.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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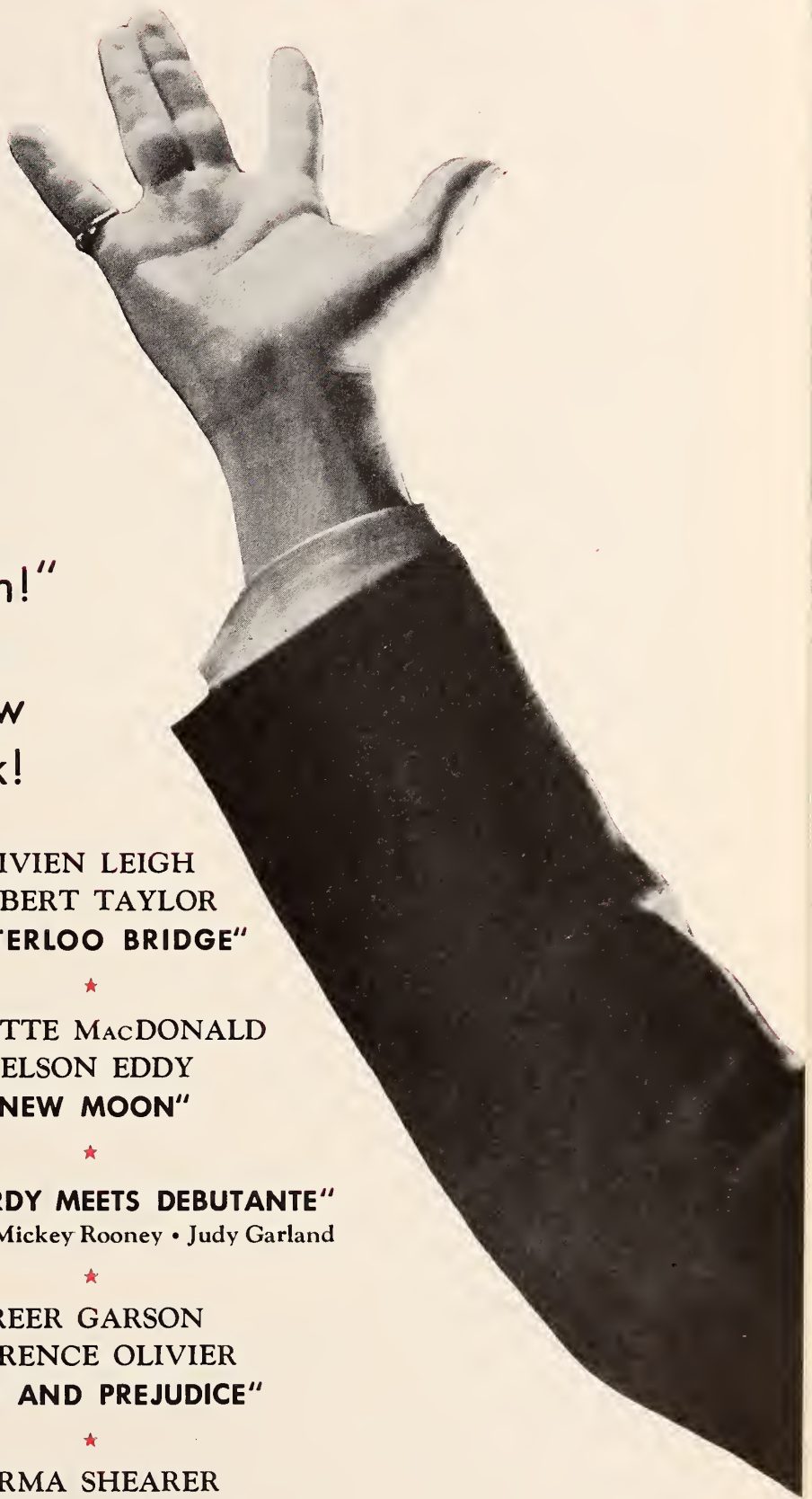


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When they talk about next year
ask them what about right now!

'Susan' Gets Big \$28,600, Los Angeles

LOS ANGELES, June 12.—"Susan and God" with "Florian" scored \$28,600 at two houses, \$13,400 at the Chinese and \$15,200 at Loew's State. Estimated takings for the week ending June 12:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-1.50) 7 days, 24th week. Gross: \$8,000. (Average, \$17,000)
"Susan and God" (M-G-M)
"Florian" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: \$13,400. (Average, \$12,500)
"Rebecca" (U.A.)
4 STAR—(900) (40c-55c) 7 days, 11th week. Gross: \$3,800. (Average, \$3,250)
"21 Days Together" (Col.)
"Alias the Deacon" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: \$5,500. (Average, \$6,500)
"Susan and God" (M-G-M)
"Florian" (M-G-M)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$15,200. (Average, \$14,000)
"21 Days Together" (Col.)
"Alias the Deacon" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: \$6,300. (Average, \$7,000)
"Typhoon" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: Fats Waller and his orchestra. Gross: \$12,000. (Average, \$18,000)
"Confessions of a Nazi Spy" (W.B.)
"An Angel From Texas" (W.B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: \$6,400. (Average, \$14,000)
"Confessions of a Nazi Spy" (W.B.)
"An Angel From Texas" (W.B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: \$6,900. (Average, \$12,000)

Plan Film Depots In Event of Raids

LONDON, June 12.—The Cinematograph Exhibitors Association, with a view to possible interruptions in road and railway communications as a result of Nazi bombing, is considering plans for regional centers where current film releases may be obtained by exhibitors in each locality, in the event of the disruption of usual delivery channels. The Kinematograph Renters Society is collaborating on the plan.

Meanwhile, it is understood the Government will not approve the exemption of admissions from the new tax with a penny or two-pence addition to admissions in its stead, as conceived by the industry. This apparently kills the trade plan, which had been outlined but not presented to the Government. Further meetings among Government representatives and C.E.A. and K.R.S. officials are expected.

Nova Scotia Orders New Ticket Tax Form

ST. JOHN, N. B., June 12.—By an unexpected order-in-council the Nova Scotia Government has instituted a combination and amusement tax ticket.

This ticket replaces the individual ticket of each theatre and the Government's amusement tax ticket. There is no distinction among theatres, and exhibitors feel that this will lead to confusion. C. H. Bennett, chairman of the provincial censor board, who has been charged with the administration of the new ticket and who originated it, explains that each exhibitor can avoid confusion by checking the serial number.

Defendants Insist Against Divorcement in Settlement

(Continued from page 1)

settlement of the suit.

Meanwhile, Federal Judge Henry W. Goddard granted a further adjournment of the trial until Monday, at the request of J. Stephen Doyle, special assistant to the U. S. Attorney General.

Arnold, who is head of the anti-trust division of the Department of Justice, and Paul Williams, in charge of trial of the Government suit, met with defense counsel yesterday morning and presented the Government's views on essentials of a settlement. Following a brief discussion, this session was adjourned to permit counsel to study the Government's proposals. Counsel met again with Arnold and Williams at the Bar Association late yesterday afternoon for a further exchange of views.

Government and company counsel declined to comment on the results of this meeting but indicated that it had been inconclusive and that the discussions would be resumed today.

It was learned that the objective of the current discussions is solely to determine whether a basis for a settlement of the suit, which would warrant extended negotiations on details later, can be arrived at. For example, there

is no unanimity among the defendants on the acceptability of a settlement by consent decree, whereas the Government, on the other hand, is understood to be insistent that any settlement, regardless of its terms, must be in the form of a decree.

Presumably, if no agreement on this one point was reached, the anti-trust suit conceivably would be forced back to trial.

Some defendants are advocating an outright dismissal of the suit and the incorporation of settlement terms in a stipulation covering trade practices, as opposed to a settlement by consent decree, which they regard as legally indecisive on the validity of the trade practices contested in the Government suit.

In granting the further adjournment of the trial yesterday, Judge Goddard requested counsel to keep him advised of developments in order that he could be free to preside at other trials in the event an agreement is reached which would justify extended negotiations on a settlement.

All eight defendant companies were represented by counsel at yesterday's meetings with Arnold, as contrasted with last Friday's session at which only the five theatre owning companies were present.

IA, 306 Studying Union Drive Here

(Continued from page 1)

the convention rejected it. As for possible affiliation by the motion picture managers and assistants now in the Theatrical Managers, Agents and Treasurers Union with the I.A., it was said that the issue had been passed to the executive board and the final decision rests there. At T.M.A.T. offices it was said that a committee has been appointed to study reorganization plans for the film group and a report will be made June 24. Officials are hopeful that an I.A. tieup can be arranged.

Nothing further can be done on the I.A. pact of mutual cooperation with the American Federation of Musicians until after the musicians' convention ends. The I.A. convention left the matter in the hands of the executive board and the A.F.M. is expected to take similar action.

Donahue and Coe Set 'Stop Hitler' Ad

Donahue & Coe placed the recent "Stop Hitler" full-page ads which appeared in newspapers throughout the nation. The ads were sponsored by the Committee to Defend America by Aiding the Allies, of which William Allen White is chairman and Robert E. Sherwood an active member.

Cummins Sues Brodie

Cummins Pictures, Inc., has filed suit in the N. Y. Supreme Court for \$12,500 damages against Benjamin Brodie and the Premier Trading Corp. Complaint alleges that Brodie induced Premier to turn over to him distribution of a Polish speaking film in violation of an alleged contract with Cummins.

Each Member Writes Own Neely Version

(Continued from page 1)

ing out his own version of the bill and that eventually there will be a conference at which the various ideas can be gone over.

There was no indication that a consent decree settlement of the Government's anti-trust suit would have any effect on the legislation. It was pointed out that if the decree provisions duplicated those of the bill no harm would be done, while on the other hand, if the bill was enacted before the suit was terminated, the decision could not well provide for a less satisfactory solution. But, it was suggested, if the bill is not enacted this year and the suit is settled before Congress meets again, it may not be necessary to consider the legislation any further.

Ask Further Data In Cassil's Action

KANSAS CITY, June 12.—Defendants in the damage suit of Frank Cassil, Rialto, St. Joseph, Mo., against Dubinsky Brothers and major distributors, have filed an application for a bill of particulars. Cassil has until June 21 to file the bill.

Dubinsky Brothers, in addition to the application for more detailed information from Cassil, filed a motion to quash the summonses issued in the case on the ground the summonses had named Dubinsky Brothers as a partnership and not as individuals.

Connolly Rites Held

CINCINNATI, June 12.—Members of the class of 1907 at Xavier University, of which he was an alumnus, served as active pallbearers today at requiem high mass for Walter Connolly at St. Xavier Church today. Burial was in St. Joseph cemetery.

Frisco Gives 'Saint,' Show Good \$16,500

SAN FRANCISCO, June 12.—"Saint Takes Over," with a Marcus girl revue on the stage, grossed \$16,500 at the Golden Gate, with "Torrid Zone" getting a strong \$15,500 at the Fox. "My Son, My Son" had \$9,500 at United Artists in the second week.

Estimated takings for the week ending June 4-7:

"The Saint Takes Over" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: \$16,500. (Average, \$15,000)
"Island of Doomed Men" (Col.)
"Man With Nine Lives" (Col.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$7,500. (Average, \$8,000)
"Torrid Zone" (W. B.)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$15,500. (Average, \$16,000)
"Edison the Man" (M-G-M)
"Girl in 313" (20th-Fox)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$10,000. (Average \$11,500)
"My Son, My Son" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: \$9,500. (Average, \$8,000)
"Gone With the Wind" (M-G-M)
ST. FRANCIS—(1,400) (75c-1.10) 7 days. Gross: \$10,500. (Average, \$6,000)
"Biscuit Eater" (Para.)
"Phantom Raider" (M-G-M)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$9,500. (Average, \$12,000)
"Louise" (Mayer-Burstyn)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: \$900. (Average, \$1,000)

Union Pact Clears RKO-Cocalis Deal

(Continued from page 1)

about 30 Empire projectionists who are now employed in the houses will receive membership cards in Local 306. Since the houses will become classified as circuit houses when RKO takes them over, the jobs will be assigned to present members of Local 306 under a ruling which requires that a projectionist must be a member for at least two years before being assigned to a circuit job. The Empire men will receive equivalent jobs in other non-affiliated houses.

With the union problem out of the way, it is expected RKO will close the deal this week. The houses are the Castle Hill, Pelham, Ward, Pilgrim, Alpine, Marble Hill, Interboro, Allerton, Yorke, Beach and Rosedale, but acquisition of the latter four may take place later, it was reported.

Century Teams to Play

Baseball teams of Century Circuit home office executives and personnel and of the circuit's theatre managers will play Sunday at Allen Field, Rockville Center, L. I.

Consolidated Film Industries' team is leading the Motion Picture Baseball League, having won all of the five games played. Rockefeller Center, Skouras, NBC, Paramount, M-G-M, Universal and International Projector follow in that order.

Harvey D. Orr Dies

INDIANAPOLIS, June 12.—Harvey D. Orr, 75, owner and operator of the Speedway, which he opened three years ago, died in Methodist Hospital after an illness of four weeks.

'Russell' Is Philadelphia Best, \$21,700

PHILADELPHIA, June 12.—"Lillian Russell" paced the field with a strong \$21,700 at the Stanley with "My Favorite Wife" giving the Boyd a good \$20,000. "Torrid Zone," in the second at the Earle, drew \$12,200. Estimated takings for the week ended June 5-7:

"Over the Moon" (U.A.)
ALDINE—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$4,900. (Average, \$8,000)
"Buck Benny Rides Again" (Para.)
ARCADIA—(600) (32c-42c-57c) 7 days, 3rd run. Gross: \$3,400. (Average, \$2,600)
"My Favorite Wife" (RKO)
BOYD—(2,400) (32c-42c-57c-68c) 7 days. Gross: \$20,000. (Average, \$13,000)
"Dark Command" (Rep.)
CARMAN—(2,500) (26c-32c-42c) subsequent run, 7 days, with vaudeville bill including Harry King and Arlina; Lew Parker & Co.; Four Olympic Aces; Elaine Arden; and Carr Brothers. Gross: \$6,200. (Average, \$5,200)
"Torrid Zone" (W. B.)
EARLE—(4,000) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$12,200. (Average, \$14,000)
"Typhoon" (Para.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$10,500. (Average, \$13,000)
"Irene" (RKO)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$4,900. (Average, \$3,000)
"Edison the Man" (M-G-M)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$3,700. (Average, \$4,500)
"Lillian Russell" (20th-Fox)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days. Gross: \$21,700. (Average, \$14,000)
"Two Girls on Broadway" (M-G-M)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$4,400. (Average, \$4,500)

'Russell' \$5,000;

St. Louis Slumps

ST. LOUIS, June 12.—The opening of the large Municipal Opera, and another night baseball game hurt grosses. "Lillian Russell" and "Typhoon" took \$5,000 at the Missouri. "My Favorite Wife" at the Ambassador, took \$11,000.

Estimated takings for week ending June 6:

"Waterloo Bridge" (M-G-M)
"The Lone Wolf Meets A Lady" (Col.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$10,500. (Average, \$13,000)
"My Favorite Wife" (RKO)
"The Saint Takes Over" (RKO)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days. Gross: \$11,000. (Average, \$11,500)
"Torrid Zone" (RKO)
"Murder in the Air" (W. B.)
FOX—(5,038) (25c-40c-55c) 7 days. Gross: \$6,500. (Average, \$11,000)
"Lillian Russell" (20th-Fox)
"Typhoon" (Para.)
MISSOURI—(3,514) (25c-40c-55c) 7 days. Gross: \$5,000. (Average, \$4,000)
"Curatein Call"
"Tear Gas Squad"
ST. LOUIS—(4,000) (35c-40c) 7 days. On stage: Lou Holtz, Ethel Shutta, Betty Huton, Bobbie May, Stump & Stumpy and Ben Feld's Music. 7 days. Gross: \$6,500. (Average, 25c-35c scale, \$2,600)

Switch Hunt Managers

PHILADELPHIA, June 12.—William Gerst, manager of Hunt's Rockland, has gone to Wildwood, N. J., to assist Guy Hunt in the operation of Hunt's Ocean Pier and also to resume his duties as publicity and advertising director for the Hunt Theatre Circuit. William Keegan, general manager of Hunt's houses in Trenton, N. J., also has gone to Wildwood for the Summer.

Hollywood Review

"The Mortal Storm"

(MGM)

HOLLYWOOD, June 12.—"The Mortal Storm," first appearing as a novel by Phyllis Bottome, took its title from the concept of the storms which rage within the spirit of men, the storms which cause the world's revolutions and its wars.

In its film version that same concept is presented through the media of prologue and epilogue in which the immediate story is tied up with the larger idea it presents. While the camera plays on the world's natural beauties and presents scenes of clouds and snow, an unseen narrator presents the idea.

Between prologue and epilogue is unfolded a story of Germany under the Third Reich. The presentation is as vivid and strong as pictorial treatment of an immediate problem can be made.

Primarily, it is of a family and the effects on it of the Germany which emerged under Hitler. Head of the family is a lovable and brilliant university professor of medicine. Enacted by Frank Morgan, he is referred to as non-Aryan, while it also is made clear that his wife is Aryan. The household includes their four children, two of whom, the wife's by a former marriage, are Aryan, the other two of mixed racial stock.

The two Aryan children espouse the Hitler cause. The husband, for upholding scientific truth in his classroom, is sent to a concentration camp, where he dies. The mother and daughter ultimately attempt to flee the country with the youngest brother, after the girl has given up her fiancé because of his Nazi concepts. With the boy whom she eventually realizes she loves, the girl finally attempts to flee the country, which leads to her death.

As portrayed by Margaret Sullavan and James Stewart, the young lovers come to the screen with force, are presented with sympathy. Equally effective are the performances of Robert Young and Morgan, as the Nazi sweetheart of the girl and her father.

Support marked by able casting is provided by Robert Stack, Irene Rich, Maria Ouspenskaya, Bonita Granville, William T. Orr and Gene Reynolds.

The film is filled with potential audience impact. As such, it is subject to individual and community feeling prevalent at the actual moment of its playdate.

A Frank Borzage production, the screenplay was written by Claudine West, Andersen Ellis and George Froeschel.

Running time, 95 minutes. "G."*

W. S.

*"G" denotes general classification.

'Days' Gets \$4,500; New Haven Falters

NEW HAVEN, June 12.—All houses stayed about average. "Those Were the Days" and "The Big Guy" at the Paramount took \$4,500.

Estimated takings for the week ending June 6:

"Lillian Russell" (20th-Fox)
"Girl in 313" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$2,800. (Average, \$2,700)
"Edison, the Man" (M-G-M)
"On Their Own" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,000. (Average, \$8,000)
"Those Were the Days" (Para.)
"The Big Guy" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$4,500. (Average, \$4,000)
"Saturday's Children" (W. B.)
"Tear Gas Squad" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$4,200. (Average, \$5,000)

Shift Canada Manager

TORONTO, June 12.—W. G. Fraser, former manager of the Holland, Bradford, Ont., has been appointed manager of the Century, Trenton, Ont., which is operated by 20th Century Theatres. Fraser succeeds Tom Naylor, who has been transferred to Toronto.

Benson to Albany

ALBANY, June 12.—William Benson, former salesman at Universal's New York exchange, has joined the company's branch here.

'Torrid' at \$9,400 But Buffalo Is Dull

BUFFALO, June 12.—With warm weather, local houses had a dull week. Best draw was "Torrid Zone" at the Great Lakes, with \$9,400.

Estimated takings for the week ending June 8:

"Turnabout" (U.A.)
BUFFALO—(3,489) (30c-35c-55c) 7 days. D'Artega & orchestral ensemble in An Album of Familiar Music, with Gertrude Lutz, Meyer Balsom, Denise Murphy, Ray Davis & his Phunnygraff. Gross: \$8,300. (Average, \$12,000)
"Torrid Zone" (W.B.)
"Girl in 313" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$9,400. (Average, \$7,500)
"I Was an Adventuress" (20th-Fox)
"King of the Lumberjacks" (W.B.)
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$3,500. (Average, \$6,800)
"My Favorite Wife" (RKO)
"The Saint Takes Over" (RKO)
TWENTIETH CENTURY—(3,000) (25c-35c) 7 days, 2nd week. Gross: \$8,800. (Average, \$7,500)
"The Lone Wolf Meets a Lady" (Col.)
"Five Little Peppers at Home" (Col.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$3,700. (Average, \$6,300)

Two Firms Formed

ALBANY, June 12.—Two film corporations chartered here include: Dramart Corp., by Victor and Betty Sims, and William Rolland, New York, and Calderone Mineola Theatre Operating Co., Inc., Mineola, L. I., by Jacob Klein, Theresa Powers and Lillian Bloom, New York.

'Russell' High In Twin Cities Business Lull

MINNEAPOLIS, June 12.—Grosses were off here. Best in Minneapolis was "Lillian Russell," with \$5,500 at the State. The same film drew \$4,500 at the Paramount in St. Paul.

Estimated grosses for the week ending June 6.

Minneapolis:

"On Their Own" (20th-Fox)
"Shooting High" (20th-Fox)
"Island of Doomed Men" (Col.)
"Ski Patrol" (Univ.)
ASTOR—(900) (15c-25c) dual bill, split week. Gross: \$1,400. (Average, \$1,800)
"My Favorite Wife" (RKO)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: \$4,000. (Average, \$4,000)
"Gangs of Chicago" (Rep.)
ESQUIRE—(290) (25c) 6 days. Gross: \$500. (Average, \$1,000)
"Star Dust" (20th-Fox)
GOPHER—(998) (25c) 7 days. Gross: \$2,300. (Average, \$2,500)
"Strange Cargo" (M-G-M)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$4,300. (Average, \$5,500)
"Lillian Russell" (20th-Fox)
STATE—(2,500) (25c-40c) 7 days. Gross: \$5,500. (Average, \$5,500)
"House of Seven Gables" (Univ.)
WORLD—(400) (25c-55c) 7 days. Gross: \$1,300. (Average, \$1,600)

St. Paul:

"Strange Cargo" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: \$3,000. (Average, \$4,000)
"Lillian Russell" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$4,500. (Average, \$4,500)
"The Blue Bird" (20th-Fox)
RIVIERA—(1,000) (25c) 7 days. Gross: \$1,500. (Average, \$1,800)
"Free, Blonde and 21" (20th-Fox)
"Bullet Code" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: \$1,600. (Average, \$1,800)
"Hitler, Beast of Berlin" (Prod. Dist.)
WORLD—(400) (25c-55c) 7 days. Gross: \$600. (Average, \$1,000)

'Doctor' at \$13,400

Cincinnati Leader

CINCINNATI, June 12.—"The Doctor Takes a Wife," which gave the RKO Albee \$13,400, was the only picture to go above average, although "My Favorite Wife" had a good third week at the RKO Capitol with \$5,200. Baseball and hot weather provided competition.

Estimated takings for the week ending June 5-8:

"The Doctor Takes a Wife" (Col.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$13,400. (Average, \$12,000)
"Waterloo Bridge" (M-G-M)
RKO PALACE—(2,000) (35c-42c) 8 days. Gross: \$9,100. (Average, 7 days, \$10,000)
"Edison, the Man" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: \$2,900. (Average, \$10,000)
"My Favorite Wife" (RKO)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 3rd week. Gross: \$5,200. (Average, \$6,500)
"An Angel From Texas" (W. B.)
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: \$2,700. (Average, \$5,000)
"Light of Western Stars" (Para.)
"The Crooked Road" (Rep.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,300. (Average, \$1,500)
"Curtain Call" (RKO)
"Women Without Names" (Para.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"Lillian Russell" (20th-Fox)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: \$5,000. (Average, \$6,000)

Building in Africa

Four suburban theatres will be erected at Capetown, South Africa, according to word reaching 20th Century-Fox from Otto Bolle, its managing director there. Opening of the houses is slated for next Fall.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



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Stone Age Cartoon
THE UGLY DINO

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
May 17	Babies for Sale (D) Glenn Ford R. Hudson	Waterloo Bridge (A-D) Robert Taylor Vivien Leigh	Kid From Santa Fe (O) Jack Randall	Typhoon (G-D) Dorothy Lamour Robert Preston	Gangs of Chicago (D) Lloyd Nolan Lola Lane	My Favorite Wife (D) Dunne-Grant	On Their Own (G-C) Jones Family	Turnabout (A-C) Carole Landis Adolph Menjou	Alias the Deacon (G-C) Bob Burns Mischa Auer	Flight Angels (G-D) V. Bruce R. Bellamy
May 24	Isle of Doomed Men (D) Texas Stagecoach (O)		Riders from Nowhere (O) Jack Randall	The Biscuit Eater (G-D) Billy Lee C. Hickman		You Can't Fool Your Wife (A-C) Lucille Ball	Lillian Russell (G-M) Don Ameche Alice Faye	Our Town (A-D) William Holden Martha Scott	Hot Steel (D) Richard Arlen Andy Devine	Torrid Zone (A-C) Cagney-O'Brien Ann Sheridan
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Phantom Raiders (D) Walter Pidgeon Florence Rice		Those Were the Days (G-C) Wm. Holden B. Granville		Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Girl in 313 (D) Florence Rice Kent Taylor		La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Littel
June 7	Passport to Alcatraz (D) Mad Men of Europe (D)	Susan and God (A-D) Fredric March Joan Crawford		Hidden Gold (G-O) William Boyd Russell Hayden	Women in War (G-D) Elsie Janis Wendy Barrie	Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (A-D) Warner Baxter Andra Leeds		No Exit (D) Wallace Ford Kathryn Adams	Brother Orchid (G-D) Ed. G. Robinson Bogart-Solhern
June 14		The Mortal Storm (D) M. Sullivan Jimmy Stewart	On the Spot (G-D) Frankie Darro Mary Korman	Safari (G-D) Fairbanks, Jr. M. Carroll	Grand Ole Opry (O) Weaver Bros. and Elvira	Tom Brown's School Days (D) F. Bartholomew Sir C. Hardwicke	Four Sons (G-D) Don Ameche Alan Curtis		Sandy Is a Lady (G-C) Baby Sandy Nan Gray	Fugitive from Justice (D) Roger Pryor Lucile Fairbanks
June 21	Girls of the Road (D) Lola Lane Helen Mack	The Captain Is a Lady (D) Virginia Grey Billie Burke	Wild Horse Range (O)	The Ghost Breakers (G-C) Bob Hope P. Goddard	Wagons Westward (O) Chester Morris Antia Louise	Pop Always Pays (C) Leon Errol	Charlie Chan's Murder Cruise (D) Sidney Toler		I Can't Give You Anything But Love, Baby (M) B. Crawford	Gambling on the High Sea (D) Wayne Morris
June 28	Return of Wild Bill (O) Bill Elliott Iris Meredith	New Moon (M) Nelson Eddy J. MacDonald	Ridin' the Trail (O) Fred Scott Last Alarm (D)	Queen of the Mob (D) Ralph Bellamy Blanche Yurka	Carson City Kid (O) Roy Rodgers One Man's Law	Anne of Windy Poplars (D) Anne Shirley James Ellison	Lucky Cisco Kid (G-O) Cesar Romero Evelyn Venable	South of Pago Pago (D) V. McLaglen Jon Hall	Private Affairs (C) Nancy Kelly Roland Young	Man Who Talked Too Much (D) George Brent V. Bruce
July 5	Out West With the Peppers Edith Fellows	Andy Hardy Meets a Debutante (C) Mickey Rooney Lewis Stone	Golden Trail (O) Tex Ritter	Way of All Flesh (G-D) Tamiroff Gladys George	Refugee (D) John Wayne Sigrid Gurie	Dr. Christian Meets the Women (D) Jean Hersholt	Sailor's Lady (D) Nancy Kelly Jon Hall		Black Diamonds (D) Richard Arlen Andy Devine	My Love Came Back (C) O. DeHavilland J. Lynn
July 12		One Came Home (D) Bob Young M. O'Sullivan		Stagecoach War (O) Bill Boyd Russell Hayden		Millionaires in Prison (D) Lee Tracy Linda Hayes	Manhattan Heartbeat (G-D) Robert Sterling Virginia Gilmore		Arizona Cyclone (O) Johnny M. Brown	Bridegroom Misbehaves Rosemary Lane
July 19	Military Academy (D) Tommy Kelly Bobby Jordan	We Who Are Young (D) Lana Turner John Shelton	Kid Reporters (D) Marcia Mae Jones Jackie Moran			Cross Country Romance (C) Gene Raymond Wendy Barrie	Maryland (D) Walter Brenman Fay Bainter		You're Not So Tough (G-D) Dead End Kids Nan Grey	They Drive By Night (D) Ann Sheridan H. Bogart
July 26	Blondie Has a Servant Trouble (C) Singleton-Lake	Pride and Prejudice (D) Greer Garson L. Olivier	Boys of the City (D) East Side Kids	Untamed (D) Roy Milland P. Morison A. Tamiroff		Stage to Chino (O) Stranger on the Third Floor			South Karanga	
Aug.	It Happened in Paris (D)			Golden Gloves (D)		Lucky Partners (D)				

Let's Go

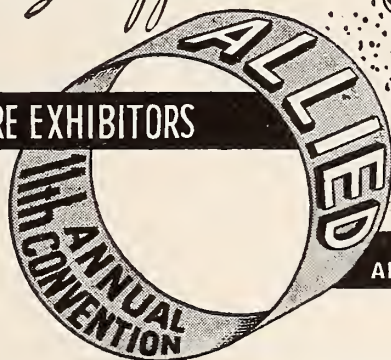
Boys
and Girls!

COMBINE BUSINESS WITH A GRAND WEEK IN

CHICAGO

The Midwest's Summer Vacation Playground

ALLIED STATES ASSOCIATION OF MOTION PICTURE EXHIBITORS



AND EQUIPMENT DEALERS' EXPOSITION



Morrison Hotel

JUNE 19-20-21

*Make your Reservations
NOW!*



JAMES SHIELDS 1940

BMI Asks Aid From Agencies In Ascap Fight

Calling upon advertisers and their agencies to aid broadcasting free itself from complete reliance on Ascap, Sidney Kaye, counsel for Broadcast Music, Inc., told the Broadcasters Bull Session yesterday that the radio industry would never accept a deal with Ascap which did not also provide for the encouragement of new sources of music independent of the latter organization.

Kaye declared that the advertiser must recapture the program material which sells the goods. He said that the networks were gradually cutting down on Ascap music so that the transition to BMI songs in January would not startle the public. Only 22 per cent of commercial air time is devoted to music, Kaye said, and the proportion is growing less.

He warned against use of an Ascap song as a theme to be identified with a product and said that BMI was prepared to write theme songs for advertisers which would be sold to them outright. BMI is preparing special music for backgrounds. Advertisers who use only one or two songs on a comedy program could easily switch to BMI, he said. As for advertisers who base most of their programs on music, Kaye declared that it was up to them to push BMI songs and prepare the ground for the transition in January. Kaye pointed out that 2,500 songs took up 85 per cent of the air time in 1938 and that BMI will have several times that number before January.

Exhibitors Revive Kansas City I.T.O.

KANSAS CITY, June 12.—After being quiescent two years, the Independent Theatre Owners association of Kansas City, has been revived to deal with some of the problems presented by declining grosses and increasing expenses.

Ed S. Young of the Central was named president; Stanley Schwartz, Tivoli, first vice-president; Arthur Burke, Colonial and Gillham, second vice-president; Ed Hartman, Saline Theatre Corp., secretary, and Harry A. Beynon, Ritz, treasurer.

While business for all Kansas City theatres has been declining for a couple of years, the independents have suffered particularly, exhibitors say. In that period the use of giveaways and premiums, multiple bills and admission schemes has grown steadily.

Sylvia Sanders Back

Sylvia Sanders, foreign representative for Leo Films, Inc., has returned from Europe with five French films for distribution in this country. The titles include: "From Mayerling to Serajevo," "Serenade," "Musiciens du Ciel," "Les Jumeaux des Brigh-ton," and "L'Ordination."

Phila. Aldine Closes

PHILADELPHIA, June 12.—The Aldine, first run Warner house here, has closed for the Summer.

Off the Antenna

ALLEN B. DuMONT LABORATORIES have developed a portable television transmitter weighing less than 400 pounds and compact enough to be transported in the rear of an automobile or installed in airplanes. The unit is still undergoing tests.

About five months ago, RCA announced a similar unit and demonstrated its use from an airplane. However, subsequent tests disclosed a number of defects and the portable sets have never been used for regular telecasts.

Purely Personal: Arthur Kelly, WHAM, Rochester, promotion and publicity director, is in New York with Mrs. Kelly for talks with NBC officials. . . . Mark Warnow, conductor on "Your Hit Parade" will conduct the N. Y. Philharmonic Orchestra at Lewisohn Stadium on June 24. . . . Al Byrne, WOR mailroom employee received his LL.B. from Fordham University yesterday. . . . Alec Templeton has signed an exclusive recording contract with Columbia Records. . . . Mark Hawley, WOR newscaster, has been elected first vice-president of the Town Hall Club. . . . Catherine Cunningham, formerly with Sterling Advertising Agency, joins the expanding WOR press department Monday.

Programs: Kenny Baker has been signed as vocalist on Fred Allen's "Texaco Star Theatre" which starts over CBS this Fall. . . . "Superman" will be heard twice over WOR this evening. One of the episodes was forced off the air because of a late baseball game and WOR will catch up. . . . The National Society for the Prevention of Blindness is offering free to stations a recorded 10-minute program dealing with the danger of using fireworks on July 4. David Resnick is handling requests. . . . WMCA will launch another money giveaway show tonight. Called "Puzzlers," the show will give five dollars to listeners giving answers by letter and from two to 10 dollars for those answering in the studio. . . . Tums "Musical Treasure Chest" now gives prizes for participants in rehearsals who aid in timing the show. . . . John Schultze, WSTP, Salisbury, N. C., station manager was guest on "Where Are You From?" over WOR last night. Dr. H. L. Smith, Jr., who locates speakers' origins by their speech, used a map of Mutual stations instead of the usual U. S. map.

Headline Themes Plan of Columbia

ATLANTIC CITY, June 12. — "Idea" pictures, based on headline events and aimed at small town theatres' patronage will form a backlog of action and suspense themes for the company's major productions for the new season, Abe Montague, general sales manager, told the company's Eastern convention in session at the Ritz Carlton here today.

Montague discussed the company's entire new season program, first announced at the Western sales meeting in Chicago last week.

Today's session was addressed also by Joseph A. McConville, foreign manager; Joseph Friedman, managing director for Britain, and Rube Jackter, assistant general sales manager. The latter was presented a baby grand piano by the company's sales force as a token of esteem.

Jackter announced the following additions to the Eastern sales staff: Carl Mishrow, Boston; Nat Marcus, Buffalo; M. Wilks, Dallas; Sid Goldberg, Pittsburgh, and Joe Engel, Philadelphia.

A beefsteak dinner for the more than 100 convention delegates meeting was held following today's session.

May Bingo at New High in Cincinnati

CINCINNATI, June 12.—Bingo figures established a new top in May, when 263 parties, attended by 294,778 players, grossed \$214,994.97. Prizes amounted to \$52,026.14, leaving net profit of \$162,968.83 to sponsoring organizations. Average cost per player was 55 cents.

The number of parties increased 13.9 per cent over April, the previous high month, and attendance was 9.1 per cent greater. Gross for April was \$212,945.02; prizes, \$51,515.84, and net, \$161,429.18.

Para. Sues U. S. for \$36,500 NIRA Tax

Paramount Pictures, Inc., yesterday filed suit in the United States district court against the United States. Paramount sued for the refund of \$36,500 in capital stock taxes paid under the National Industrial Recovery Act. The suit attacks the constitutionality of the NIRA and claims that the taxes paid for the year ending June 30, 1933, were illegally assessed. Paramount asks for the return of \$16,000 paid by itself, \$18,000 paid by Paramount Pictures Distributing Corp., and \$2,500 by Paragar Corp.

Illinois Exhibitors Will Meet June 27

CHICAGO, June 12.—Approximately 50 down-state exhibitors, who last year organized as the United Theatre Owners of Illinois, will meet June 27 at the Pere Marquette Hotel, Peoria, to complete organization plans.

The session will be presided over by Edward Zorn, Pontiac, who will discuss legislative problems confronting Illinois exhibitors, the three per cent gross admission tax, slot machine films, seat increases and "gypsy" film operators.

29 Ohio Censor Cuts

COLUMBUS, June 12. — The Ohio censors reviewed a total of 615 reels during May, from which 29 eliminations were ordered. Comparatively, 16 eliminations were ordered and seven reels rejected from a total of 589 reels reviewed in April. Figures for May, 1939, were 33 eliminations and seven reels rejected from a total of 641 reels reviewed.

Goldwyn Releases Wood

HOLLYWOOD, June 12.—Sam Wood today obtained his release from the directorial contract held by Samuel Goldwyn.

FCC Report Clears Webs On Monopoly

(Continued from page 1)

webs; requiring stations to set aside all or a major portion of their time for use by networks, whether the latter use it or not; prohibiting lower rates for non-network national advertising; and providing for an equitable distribution of the revenue from network advertising by free use of the first converted hours and low initial compensating rates for the next hours.

NBC and CBS Income Large

The report pointed out that \$9,277,352, or nearly half of the net operating income of all stations and networks of \$18,854,784, went to NBC and CBS. All but two of the 34 high power clear channel stations are on the major networks, the report said, "leading to the inescapable conclusion" that NBC and CBS "directed by a few men, hold a powerful influence over the public domain of the air and measurably control radio communication to the people of the U. S." "If freedom of communication is one of the precious possessions of the American people," it added, "such a condition is not thought by the committee to be in the public interest and presents inherent danger to the welfare of a country where democratic processes prevail."

Domination exercised by networks through station contracts, exclusive talent contracts and, in the case of NBC, through its position in electrical transcriptions were criticized. The report declared that stations have very limited supervision over network programs. "The protection of the listening public is thus passed from licensee to network to advertising agency to program producing agency," the report said in criticizing the diffusion of responsibility.

Networks Not Nationwide

The primary service rendered by the networks is far from nationwide in scope, it was found, and millions of persons receive no adequate network service under existing conditions. At the same time, however, the investigating committee held that network duplication should be kept at a minimum.

Commissioner Thad H. Brown, re-nominated for another seven-year term as FCC commissioner was examined by the Senate Interstate Commerce Committee yesterday. Brown was asked why stations were transferred to networks at prices many times their physical value. Approval of Brown's nomination is expected.

Republic Meeting Ends Here Today

Republic concluded the formal sessions of its fourth and final regional sales meeting here at the Park Central Hotel yesterday. Franchise holders and branch managers in attendance will hold individual conference today with James R. Grainger, president, then leave for their offices.

Lois January at Fair

Lois January, stage and screen actress, was a guest at the Bell Telephone and other exhibits at the World's Fair yesterday.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 117

NEW YORK, U. S. A., FRIDAY, JUNE 14, 1940

TEN CENTS

Petrillo to Be New President Of Musicians

Election as J. N. Weber's Successor Is Assured

INDIANAPOLIS, June 13.—James C. Petrillo, president of the Chicago Federation of Musicians for 18



James Petrillo

years, on Friday will become president of the American Federation of Musicians.

His election was assured at the 45th annual international convention here today when he was nominated without opposition. Hundreds of delegates, shirt-sleeved in the Midwest heat,

stood and cheered the nomination in a long demonstration. Officers will be elected tomorrow.

Petrillo, long a leading figure in the American Federation, will succeed Joseph N. Weber, who retired as president because of ill health after holding the post 40 years.

The convention went on record against any attempts to revise the Wagner Labor Act. A resolution adopted called for standard contracts between agents and musicians and another called for a guarantee of a certain amount of employment to the musician each year by the agent.

Korda Completes Film Financing

LONDON, June 13. — Alexander Korda, through United Artists, today, negotiated a \$400,000 loan which assures the completion of his London films. The Bankers Trust Company of New York is the financing principal in this transaction. The loan is the final condition of a larger financing program for Korda in which this bank and the Security National Bank of Los Angeles are participating and by which Korda obtains a line of credit amounting to \$3,200,000. Korda, who was to have gone to Canada, has changed his plans, according to latest advices, and instead is expected to leave Lisbon by Clipper June 27 for New York.

U.S. Formula on Decree Calls for Sales Reforms

State on Broadway Features Giveaway

For the first time in its history, Loew's State, on Broadway, ace house of the Loew Theatre Circuit, is playing to a giveaway. It is the "Pot o' Gold" stunt, and is part of the Horace Heidt presentation. Heidt and his band also feature this giveaway on their air program. Cash awards are given. The giveaway was the subject of an extensive study at one time by the Federal Communications Commission and the Department of Justice but was given a clean bill of health.

Crescent Seeks U.S. Suit Information

NASHVILLE, June 13.—Counsel for Crescent Amusement Co. has filed with the U. S. District clerk here a motion for hearing in federal court on June 29, or soon thereafter, in the Government's anti-trust suit against Crescent and Affiliated Exhibitors and major distributors.

The motion asked that the plaintiff be directed in certain instances to furnish the defendant whatever knowledge or information it may hereafter obtain or may have obtained since the filing of its recent bill of particulars.

Cohn Urges Faith In American Ideal

ATLANTIC CITY, June 13.—Faith in American principles and institutions and "hard work" are needed today to cope with the problems of a war-torn world, Jack Cohn, Columbia vice-president, told the company's Eastern sales meeting in session at the Ritz Carlton here today.

"We all must get out and work 'twice as hard and twice as fast' to prove to the world that we—and especially the showmen of this country—believe that this country is the one ray of democratic salvation in a world torn by strife," Cohn said.

"I see a hard road ahead of us but we must not falter in these trying days. I make an earnest appeal to everyone—producer and distributor, exhibitor and public—to work together so that our American institutions may survive."

Joseph A. McConville, foreign sales manager, said that efforts to maintain foreign markets would be continued despite the almost "insurmountable difficulties of today."

"We must not consider the foreign market a lost cause at this point," he said. "The foreign offices will carry on in spite of extremely trying conditions and swiftly changing events. No one knows what will happen to tomorrow's business, but Columbia is looking ahead."

Majors Move Cautiously; Arbitration First Point In Suit Negotiations

By SAM SHAIN

That the Government has taken a determined stand for local buying and that the companies have ruled out divorce in the present consent decree discussions in the New York anti-trust suit, was learned yesterday. Otherwise the negotiations which got under way yesterday are being undertaken by both sides with a view of bringing about several reforms in circuit theatre operations besides establishing a permanent system of arbitration in the industry.

The Government attorneys on Wednesday presented a formula to the companies under which negotiations for a consent decree could be undertaken.

Fundamentally, the reforms now suggested by the Government as a basis for the consent decree talks are similar to the reforms of the old Trade Practice Code, negotiated between distributors and exhibitors, but which later failed to get the Government's sanction, and certain of the Department of Commerce proposals.

However, authorities admit that it

(Continued on page 4)

George Fitzmaurice, Noted Director, Dies

LOS ANGELES, June 13.—George Fitzmaurice, 55, veteran director, died this morning at Good Samaritan Hospital here after several weeks' illness. At the bedside were his wife, the former Diana Kane; her sister, Lois Wilson, and his daughters, Sheila and Patricia.

One of the best known directors since the inception of the industry and a beloved personality, Fitzmaurice was born in Paris and educated in private schools for a career in art and literature. Attracted to the film as a dramatic medium during a visit in New York, he became a writer, editor, cutter and production manager for Pathe at \$35 a week.

Shortly later he started a directorial career which continued outstanding throughout the industry's development.

One of Fitzmaurice's early works was "Perils of Pauline," a serial.

Funeral services will be private and will be held at 10 a. m., Saturday, at the Little Church of Flowers. Interment will be at Forest Lawn.

SENATE STUDIES GRADUATED LEVY ON ALL ADMISSIONS

Washington, June 13.—Members of the Senate Finance Committee today explored the possibilities of getting more revenue through theatre admission taxes than contemplated by the House which has passed a measure reducing the 10 per cent exemption from 40 to 30 cents.

Questioning Assistant Secretary of the Treasury John L. Sullivan regarding possible increases in the House measure, committee members suggested taxing all patrons by imposing a flat tax of one cent on admissions up to 25 cents and two cents on admissions from 26 to 49 cents, with the present rate applied to higher admissions.

It was pointed out that a "head tax" of this nature would raise a great deal more than the present levy, even when applied to admissions over 30 cents.

No decision on changes in the bill will be made until after the committee concludes hearings tomorrow.

Banks Is Studying Canada Producing

MONTREAL, June 13.—The likelihood of Canada becoming the new home for British production received additional impetus with the arrival here today of Monty Banks, British director, and his wife, Gracie Fields, British star.

Banks declared he was looking over the Canadian situation with a view to making pictures here. He is accompanying his wife on a tour of Canada on behalf of war charities.

Banks said he has made no commitments, but is contemplating some productions which would star his wife and be directed by himself. He expressed the fear that Eastern Canadian technical equipment might not be equal to the requirements, but said he was making inquiries in this connection.

He will go to Ottawa over the weekend as the guest of the British High Commissioner, and while in the capital will contact John Grierson, Canadian Government Film Commissioner, with a view to learning the extent of Canadian production facilities.

Broadway's Grosses Are Up Despite Heat

Despite the terrific heat of the past few days and a blistering weekend, Broadway theatre grosses held up pretty well. "My Favorite Wife," at the Radio City Music Hall, closed on its second and final week with \$70,000.

"Brother Orchid" drew an estimated \$40,000 at the Strand with Jimmy Dorsey's band on the stage, for its first week and is held over. "Edison, the Man" grossed an estimated \$32,000 at the Capitol and is also held. At the Roxy "Four Sons" with a stage show took an estimated \$30,000. "The Doctor Takes a Wife" opens there this morning. In its 25th week at the Astor "Gone With the Wind" was good for an estimated \$7,500.

Knopf Leaves Goldwyn

HOLLYWOOD, June 13.—Edwin Knopf, production executive, and Samuel Goldwyn today mutually agreed to end their association. Knopf's release follows Goldwyn's releasing of Sam Wood, yesterday.

Lindy's
INC.

RESTAURANTS

1626 BROADWAY 1655

(Next to the
Rivoli Theatre)

(51st Street
Corner)

For over 20 years
the luncheon and
dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

Personal Mention

NED E. DEPINET, RKO distribution head, and A. W. SMITH, RKO general sales manager, returned from Boston yesterday. SMITH left last night for Chicago on a brief business trip.

LEO SPITZ has changed his plans and will leave for the Coast at the end of the month.

A. H. BLANK, Des Moines circuit executive, is spending a few days here on business.

BASIL BLECK, secretary of Alexander Korda Films, is here from the Coast.

JOHN J. O'CONNOR, RKO theatre head, has left for the Coast, to be gone about two weeks.

PAT CASEY is expected from Indianapolis tomorrow.

HERBERT BEIER of ALEXANDER KORDA's New York office will be married tomorrow to LILLIAN ELSON, not identified with the industry.

HAROLD LLOYD has been elected Imperial Outer Guard of the North American Shrine.

MARVIN SCHENCK, EUGENE PICKER, WILLIAM MOSES, MAX FELLERMAN and SOL EDWARDS at Lindy's (next to the Rivoli) for lunch yesterday.

Albany Trucking Strike Continues

ALBANY, June 13.—Despite the efforts of Andrew C. Doyle, supervising mediator of the State Department of Labor, the general trucking strike here is still in progress, with exchanges making all film shipments by express except where exhibitors make pickup and deliveries to nearby points.

One firm's employees, Smith-Howell Film Service, are included in the union striking. So far the salesmen and bookers have filled in wherever needed on two-day express jumps to prevent any missouts.

Grainger to Toronto For Empire Meeting

James R. Grainger, president of Republic, will leave over the weekend for Toronto to attend the sales meeting of Empire-Universal Films, Ltd., on Monday and Tuesday at the Royal York Hotel. The company distributes Universal, Republic and some British product.

Denver Stock Season Set

DENVER, June 13.—Elitch's Gardens Summer stock season opens June 23 with Michael Whalen, film player, and Sylvia Field heading the cast. George Sommes will again direct the company. The initial play will be "No Time for Comedy." Advance seat sales show a decided increase, according to Arnold B. Gurtler, manager.

REGINALD ARMOUR, RKO European manager, is scheduled to leave for Europe by Clipper tomorrow, depending upon availability of accommodations. He may establish new headquarters in Lisbon on his return to Europe.

HERBERT J. YATES, president of Consolidated Film Industries, is due from the Coast next week.

ROBERT T. KANE, head of 20th Century-Fox production in England, plans to leave for the Coast next week.

HERB MACINTYRE, RKO Northeastern district manager, is in Buffalo on a tour of the exchanges in his territory.

ROBERT MOCHRIE has established headquarters in the RKO home office following his recent promotion from Southern district manager at Atlanta to Eastern sales manager.

MIRIAM HOPKINS arrived from the Coast yesterday.

JAMES MULVEY, LOU BRANDT, LIONEL STANDER, KAY KAMEN and HAL HORNE lunching at Lindy's (51st St.) yesterday.

LEO SPITZ, BARNEY BALABAN, JOHN W. HICKS, RUSSELL HOLMAN, MAX A. COHEN, TED O'SHEA, TOM CONNORS and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

Hart Named Arbiter For Film Disputes

Vincent G. Hart, attorney associated with Friend, Holbrook, Riskind & Hart, has been appointed an arbitrator of the American Arbitration Association to handle motion picture and allied matters. The late Gabriel L. Hess, who was attorney for the Hays office, had been on the A.A.A. panel in this capacity. Hart formerly was with the Hays office.

Schaefer Head of Holland Aid Drive

George J. Schaefer, RKO president, has been appointed chairman of the Motion Picture Division of the Greater New York Men's Committee in the nationwide campaign for \$3,000,000 for relief of refugees in the Netherlands. Lewis E. Pierson is chairman. The drive is conducted by the Queen Wilhelmina Fund, Inc.

Elisburg Resigns Post at Essaness

CHICAGO, June 13.—Herbert Elisburg, supervisor for and associated with Essaness Theatres here for the past 10 years, has tendered his resignation, effective Saturday. He is negotiating a deal for a small theatre in the Loop.

J. G. Fair Dies

LAURENS, Ia., June 13.—J. G. Fair, owner of the Elite here, died at Mercy Hospital, Fort Dodge, following an operation. He is survived by his widow and a son.

Newsreel Parade

First pictures of the current battle for Paris are included in the new issues. Contents follow:

MOVIE TONE NEWS, No. 80—West Point graduations. Boy Scout official celebrates 90th birthday. Henry Ford discusses plane production. Army bombers in formation flight. Lew Lehr. Racing at Belmont. Girls fish for trout. Girls on Texas dude ranch. Co-eds play in G. A. snow.

NEWS OF THE DAY, No. 278—Battle in Paris. Dunkerque destroyed. British pray for victory. West Point and Annapolis graduations. Willkie urges aid for Allies. Belmont horse racing. Rodeo in California.

PARAMOUNT NEWS, No. 83—West Point cadets graduate. Dizzy Dean plays with Tulsa. Ford announces plane production plans. Army bombers fly over Yosemite Valley. Pershing urges aid for Allies. Paris under bombardment.

RKO PATHE NEWS, No. 95—Paris bombed. West Point graduations. Willkie urges aid for Allies. Ford plans plane production. Typical families at Fair. College course includes mill work. Horse racing at Belmont.

UNIVERSAL NEWSREEL, No. 884—Bombing of Paris. Ford plans 1,000 planes a day. Willkie urges aid to Allies. West Point graduations. Bombers in mass flight. New liner set for trials. Pennsylvania church pays rent in roses. Fashions. Rose festival in Portland. Rodeo in California. Belmont races.

RKO Golf Tourney At Rye on June 27

RKO will hold its annual golf tournament on June 27 at the Westchester Country Club, Rye, N. Y. George J. Schaefer, president, heads the general tournament committee, which includes: Ned E. Depinet, Phil Reisman, L. E. Thompson, J. J. O'Connor, Richard C. Patterson, Jr., W. J. Merrill, Malcolm Kingsberg and J. Henry Walters.

Other committees have been named as follows: Publicity—S. Barret McCormick, Rutgers Neilson, Jack Level, Harry Mandel, Maurice Harris and Ben Grimm. Prizes—Cresson E. Smith, Harry Michelson, R. S. Gavin, David Canavan, A. Kirwan and L. E. Gaudreau. Prize Award—Walters, J. A. Farmer, Depinet, Harry Pimstein and Gavin. Tickets—Farmer, Gavin, W. Dahler, Charles McDonald, Lou Miller, Tom O'Connor and L. E. Gaudreau.

Acquires Mineola House

Henry Malowitz has acquired the Williston in Mineola, a 540-seat theatre.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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PARAMOUNT'S

"GHOST BREAKERS"

ARE



GROSS BREAKERS



Paramount's "The Ghost Breakers" defies record-breaking heat wave to break house record of four years' standing in smash world premiere at Michigan Theatre, Detroit.

FCC Is Seeking Early Television

WASHINGTON, June 13.—The F.C.C. is concentrating on early adoption of television standards and the creation of commercial television stations throughout the country, it was disclosed in the Senate today.

In the near future leading television engineers will be called to Washington by the Commission for a discussion of the progress which has been made in standardizing television transmission, it was said.

The proposed conference was revealed by Commissioner T. A. M. Craven in a letter to Senator Ernest Lundeen who asked Craven what his position was with reference to the May 28 television report. Craven replied that the policies laid down are designed to encourage the development of television to a point where commercial operations may be inaugurated and that there is now no controversy between members of the F.C.C. on that question.

Craven gave it as his estimate of the situation that several television stations can be established throughout the country at an early date. He added that it cannot be foretold whether the possible economic influence of the European war would stimulate or retard television development.

Networks Withhold Comment on F.C.C. Report

Neither NBC nor CBS would comment on the F.C.C. monopoly report yesterday. It was pointed out that until the entire report was received and studied no comment was possible. It was also said that until the Commission rendered a decision on the subcommittee's report, it would be improper to comment. Also noted was the fact that the report affects the entire radio industry and that it therefore would be up to the National Association of Broadcasters to comment.

Films for Democracy Group Is Dissolved

Film Audiences for Democracy, organization which failed to answer charges of Communist control made last year, has been dissolved, it was learned yesterday.

Formed about two years ago as Films for Democracy, and gaining its more recent title as the result of a merger with Associated Film Audiences, the group was challenged early last year by Quigley Publications to state its position with reference to Communism and similar activities. It failed to do so. Samuel J. Rodman was executive secretary of the organization. It was an offshoot of the Theatre Arts Committee, known to be a Communist group. The publication of Film Audiences for Democracy, *Film Survey*, has ceased.

Luckies Renew Spots

The first renewal of the American Tobacco Co.'s two and a half minute spot recordings on behalf of Lucky Strike cigarettes was announced yesterday by Walter Duncan, vice-president of WNEW. The WNEW renewal is for 13 weeks, effective July 1, with 104 spot announcements weekly.

U.S. Formula for Decree Calls for Sales Reforms

(Continued from page 1)

is on the degree of reform sought that the Government's suggestions differ from those formerly advanced by the Department of Commerce or the companies.

Largely, the Government's proposal may be described as a 3-point formula. The first point discussed was arbitration.

The two principal other points in the formula are:

- (a) Distribution.
- (b) Theatres.

While the negotiations continue the suit, in all probability, will be adjourned from week to week, until some conclusion has been reached. That these negotiations may take all summer and possibly until October, is the opinion of many who are participating in the conferences.

No Agreement by Companies

From 12 to 15 individuals have been engaged in the meetings held so far. The Government has had at least four of its representatives at each session.

Every word which may go into the final document of settlement is being carefully defined and every sentence is being carefully phrased before it is finally accepted.

The companies have not agreed to anything. They are making an exhaustive study of every Government suggestion before taking any kind of action.

Forcing of shorts, newsreels and trailers, besides the question of chain theatre expansion and under what conditions this may be permitted or prohibited, it is explained, will be among the points to be discussed within the framework of the formula proposed by the Government.

While the company lawyers and the Government attorneys are negotiating, friends of Allied States are watching the proceedings closely. It is they who claim that all discussions which are being held by the parties to the suit are in turn presented to Allied in Washington before the Government takes any steps in the day-to-day negotiations.

As a basis for negotiating an arbitration proposal, the parties have adopted in principle Section Eight of the U. S. Department of Commerce suggestions on this point, as embodied in its recent proposal for a consent decree.

Nothing decisive, however, has so far been determined in this regard and discussions on arbitration are expected to take several days more.

Commence Proposals

The Department of Commerce's proposal on arbitration follows:

(a) A panel of approximately 10 neutral arbitrators for each exchange district shall be designated by the American Arbitration Society. Neutral arbitrators shall not have any past or present connection with the production, distribution or exhibition of motion pictures nor any interest in any theatre, as either landlord, lessor or otherwise. The neutral arbitrators shall be paid on a per diem basis when hearing a case, the amount paid to be attractive enough to assure the services of responsible persons.

(b) Each of the parties in interest shall have the right to designate an arbitrator to hear the controversy

with the neutral arbitrator, to advise with him, but to have no vote.

(c) There shall be an arbitration appeal board consisting of three members appointed by the court, each of whom shall be a person of known impartiality and distinction. One member shall be designated by the court as chairman of the board. The jurisdiction of the board shall be to hear and determine appeals.

(d) An exhibitor who has the right to arbitrate under any of the provisions of this decree may require the distributor to arbitrate the controversy, giving notice to the Secretary of the Arbitration Board located within his district. The parties to the controversy shall mutually agree upon a neutral arbitrator from the panel established for the exchange district in which the theatre of the complaining exhibitor is located. If the parties cannot agree on the choice of a neutral arbitrator from the panel within a reasonable time, the chairman of the arbitration board shall select a neutral arbitrator from the panel.

Liquidated Damages Penalty

(e) The arbitrator shall award costs against either party or apportion them among the parties as he may deem proper.

(f) The arbitrator may provide a penalty in the form of liquidated damages for failure to abide by the award.

In order to discourage unwarranted resort to arbitration, the arbitrator shall be empowered to award a sum of money as liquidated damages in favor a respondent distributor when he finds that the exhibitor's resort to arbitration was frivolous or made for the purpose of harassment or vexation.

(g) The maintenance and functioning of the arbitration offices and personnel in each exchange district shall be under the jurisdiction of a board consisting of three members. One member to be a representative of the Department of Commerce, one member to be a representative of the exhibitor's group and one member to be a representative of the distributors. This committee shall employ an executive secretary to carry out under its direction the business management of the arbitration machinery. Among the responsibilities of the committee, it shall be the duty of budgeting the cost of operating the arbitration machinery, renting offices, maintaining offices, engaging personnel. Before the entry of the decree the committee shall fix by unanimous agreement the maximum annual cost of arbitration machinery. It will be indicated by an exchange of letters that the maximum cost so fixed is deemed to be adequate by officials of the Department of Justice. Any increase in the amounts so fixed shall be made only after a majority of the companies approve.

Distribution to Defray Cost

(h) The cost of the arbitration machinery shall be met out of a fund made up of (1) a small percentage of the gross receipts of each distributor (2) a nominal sum such as five or ten cents per picture leased shall be paid by the exhibitor and (3) a reasonable filing fee for each arbitration proceeding to be paid by the party filing the complaint.

Mexican Audiences Applaud Hitler Films

Mexico City, June 13.—Decided pro-Naziism is manifest among film audiences here. The majority of applause is for Hitler's activities in the newsreels and the most hissing is for sequences of the Allies' efforts.

Neb. Broadcasters To Aid Ascap Fight

NORTH PLATTE, Neb., June 13.—The Nebraska Broadcasters Association at an annual meeting here this week voted to contribute to a fund being made available to Attorney General Walter Johnson by broadcaster to finance an appeal to the U. S. Supreme Court of a Federal statute court's decision holding Nebraska anti-Ascap law unconstitutional.

It was stated here that the appeal may be filed within the next two weeks if sufficient financial aid is received.

New officers of the state association elected at the meeting are: William J. LeBarron, North Platte (KGNF) president; L. L. Hilliard, Scottsbluff (KGKY), vice-president; Arthur Thomas, Norfolk (WJAG), secretary treasurer. New directors elected were Vernon Smith, KOWH, and J. J. Gillin, Jr., WOW, both of Omaha.

Omaha's Giveaway Faces Court Test

OMAHA, June 13.—The City Attorney's office has carried to the Nebraska Supreme Court a legality test of Prosperity Club, cash giveaway of Omaha's theatres, declared legal by the municipal courts.

The prosecutor has asked the Supreme Court to cite the Omaha theatres on a contempt of court charge alleging that the Prosperity Club drawings are in violation of the court's ruling three years ago declaring Ban Night a lottery.

'Snow White' Voice Suit Is Dismissed

Walt Disney, Walt Disney Productions, Ltd., and RCA Manufacturing Co., Inc., yesterday won a dismissal of a \$200,000 damage suit brought by Adriana Caselotti, N. Y. Supreme Court Justice Peter Schmuck ruled that the plaintiff had no cause of action. Suit charged the defendants with the sale of records of the plaintiff's voice, used as Snow White in "Snow White and the Seven Dwarfs," without her permission.

Shift Neth Managers

COLUMBUS, June 13.—Following changes have been made in the Real Neth circuit here: Robert Glick manager of the Eastern, has been transferred to the Markham, succeeding Earl Pepper, resigned. Darley Thompson of the Cameo moves to Glick's former post, while Dave Pence, summer relief manager, will be in charge of the Cameo.

Impose Mexican Tax

MEXICO CITY, June 13.—San Luis Potosi State, wealthy central gold and silver mining region, has added an eight per cent tax on gross payments exhibitors make to distributors

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. NO. 118

NEW YORK, U. S. A., MONDAY, JUNE 17, 1940

TEN CENTS

Expect Week Postponement Of Trust Suit

Attorneys Will Resume Discussions Today

Federal Judge Henry W. Goddard today will order another adjournment of the trial of the Government's anti-trust suit for a short period not to exceed one week, while Government attorneys and defendants' counsel continue discussions on a settlement formula.

The attorneys are still endeavoring to work out the principle of arbitration, which is the first point of the formula and one of the principal bases for the proposed settlement. Conferences between the attorneys for both sides will be resumed today, and it is expected that it will take several days to complete the arbitration discussions.

Judge Goddard in the meanwhile has assigned himself to hear motions, indicating that settlement conferences are expected to last for a considerable period. Judge Goddard has been kept informed of all developments in the discussions by Special Assistant Attorney General Paul Williams and James Hayes of his staff.

Postponements of the trial will be obtained periodically for further short periods while the conferences show promise of resulting in a full accord on terms. When asked about chances for an agreement, Williams pointed out that the participants of the conferences have not yet hit into any deadlock.

Ortus Films Plans Picture in Canada

MONTREAL, June 16.—John Seaborn of Ortus Films, Ltd., of London, will leave here for Jasper, Alberta, within the next few days with a camera crew to begin work on the first picture to be made here by a British production organization, and the first feature to be made in Canada in three years.

Ortus is a new British company formed to make Empire films. John Sutro, London financial figure, is chairman. The British Government has an interest in the company, although control is private.

Seaborn, who will direct the new feature, is associated in the production with Michael Powell, director of "U Boat 29," who is expected back here from England shortly with technical details.

New Booking Bill May Have Blanket Elimination Clause

WASHINGTON, June 16.—A blanket cancellation clause and a requirement for identification of pictures are expected in the new block booking measure which the subcommittee of the House Interstate Commerce Committee is writing as a substitute for the Neely bill.

The subcommittee will meet tomorrow or Tuesday to discuss its measure. It is not expected to bear much resemblance to the Neely bill as passed by the Senate last year.

It appears certain that the new bill will provide outright cancellation for cause to meet the objection to blind selling, and this provision may be broadened.

Subcommittee members have been studying the problem of writing legislation which would eliminate abuses alleged by public groups and Allied States. The Congressmen have varying views on the best approach to the problem.

Sales Policy, Suit Chief Allied Topics

CHICAGO, June 16.—New season's sales policies and the possible settlement terms for the Government's New York anti-trust suit against the major companies will be among the more important topics to be discussed at the annual convention of Allied States, opening at the Morrison Hotel here on Wednesday, according to a bulletin sent to exhibitors by Allied headquarters here.

No mention is made in the bulletin of the Neely block booking bill. The

(Continued on page 4)

CEA Renews Its Fight on Rentals

London, June 16.—The Cinematograph Exhibitors Association has renewed its rental fight, advising members that no picture is worth 50 per cent rental and that 40 per cent is very high until business returns to normal.

The fight against "Gone with the Wind" openings is continuing, with the use of trailers, posters and the press in local campaigns in Nottingham, Bristol and Brighton.

Showmen Helping to Absorb Loss: Sears

CHICAGO, June 16.—American exhibitors have shown their desire to help the industry absorb foreign losses in the domestic market, Gradwell L. Sears, Warners' general sales manager, will tell the company's Western and Southern sales meeting opening at the Blackstone Hotel tomorrow.

"The exhibitors of the United States have displayed a fine spirit of cooperation in the matter of extended playing time for worthwhile attractions," Sears said. He cited the response to the merchandising plan for "All This, and Heaven Too."

There will be further conferences in New York today on whether that picture will play the Center Theatre starting June 27 on a two-a-day, \$2.20 top policy. Mort Blumenstock, director of Warners advertising and publicity in the East, is remaining in New York to prepare for the opening there.

Sears will preside at the three-day meeting. Executives present will include: Charles Einfeld, director of

(Continued on page 4)

Senate Seen Adopting New Tax Schedule

Pettijohn Urges Sliding Scale on Admissions

WASHINGTON, June 16.—Possible adoption by the Senate of the industry's tax plan of a one-cent levy on theatre admissions up to 25 cents, two cents on admissions between 26 and 49 cents and 10 per cent on higher admissions was seen here tonight following the appearance of Charles C. Pettijohn, general counsel of the M.P.P.D.A., before the Senate Finance Committee to explain the proposal.

Declaring that the proposed scale would raise a possible \$60,000,000 a year, Pettijohn said it was prompted by past experience with the lowering of the exemption, which is provided for in the tax bill passed last week by the House.

Under the House provision, which is estimated to bring in about \$25,000,000, Pettijohn testified Friday, the Treasury will be disappointed because of the many theatres that will reduce their admissions to escape the levy. At the same time, he admitted, the industry itself, with 75 per cent of its foreign market gone with a consequent loss of some 40 per cent of its gross revenue, cannot stand lower admissions.

The "head tax" schedule worked out by the industry, as brought before the Committee by Sen. Walter F. George, will raise a maximum revenue and at the same time protect the admission price structure of the industry, Pettijohn said.

Pettijohn's testimony made a deep impression on the Committee, at whose suggestion he later went into the subject with Undersecretary John L. Sullivan, Treasury tax expert.

'All This, and Heaven Too'

[Warners]

From the successful novel of Rachel Field, Warners have woven a highly dramatic, often tragic, photoplay, made especially notable by the superb performances of the two leading players, Bette Davis and Charles Boyer.

The film is powerful in its grip on the emotions of adult audiences, telling the story of the French governess who becomes the storm center of the marital problem of a duke's household in mid-19th Century Paris, and whose presence brings murder, suicide and heartbreak in its wake.

Casey Robinson has written a vitally human screenplay from the novel, while Anatole Litvak, director, wins commendation for weaving the elements of the story tightly, pacing the movement of the film so well that there is no appreciable lag, despite the film's unusually long

(Continued on page 4)

Ottawa Capitol Now Canada War Office

Toronto, June 16.—Famous Players Canadian Corp. has leased 5,000 square feet of floor space in the Capitol Theatre, Ottawa, to the Canadian Government for an annual rent of \$4,500 for use by the Canadian War Department for the duration of hostilities. The Government has been compelled to rent numerous premises for official purposes.

60 Propaganda Films in England

London, June 16.—Some 60 films commissioned by the Ministry of Information have been produced to date. Over and above this the Ministry has granted official facilities and formal approval to many others.

Some of these, however, said Harold Nicholson in a recent Commons statement, have been shelved as being inappropriate to the present crisis. The Ministry plans other more suitable films.

Monogram Weighs Own Canada Sales

TORONTO, June 16.—Monogram Pictures of Canada, Ltd., Toronto, has taken out a Dominion company charter with an authorized capital of 50,000 no-par-value shares. For some years Monogram product has been distributed in Canada by Regal Films Limited.

Edward A. Golden, in charge of Monogram distribution, said that the company is considering its own distribution organization in Canada. A decision is expected to be reached in the near future, he indicated. In the event it is decided to proceed, the Regal Films deal will be discontinued.

Look, Liberty Hold Off Chaplin's Stills

Publication of stills from Charles Chaplin's forthcoming "Production No. 6" will be withheld voluntarily by *Liberty* and *Look*, officials of those publications informed Charles Schwartz of Schwartz & Frohlich, counsel for Chaplin, over the weekend, after disclosing that a number of the stills were in their possession.

The magazines agreed not to publish the stills before obtaining Chaplin's permission or until such time as the pending action against *Life* has been decided. A preliminary injunction restraining *Life* from publishing the Chaplin stills was granted by the Federal court here last week.

Paper Suit Against Fabian Is Settled

A breach of contract action against Fabian Staten Island Theatres brought by the *Staten Island Advance* was settled out of court Friday after three days of court hearings.

The newspaper charged that Fabian had breached an advertising contract made by the theatres prior to the time Fabian assumed operation of the houses. Louis D. Frohlich of Schwartz & Frohlich, counsel for Fabian, contended the contract was improper and made without authority. The settlement directs that a new four-year pact be drawn.

To Use U. S. Carbons

LONDON, June 16.—Special facilities have been given to the Carbon Pool by the Government for the import of American carbons. These will be rationed to exhibitors at ruling pool prices. This process is formally approved by the CEA.

Personal Mention

Y FRANK FREEMAN, Paramount vice-president and studio head, is expected from the Coast today for home office conferences and to attend the company's annual stockholders and board meetings this week.

LEONARD GOLDENSON and SAM DEMBOW of Paramount returned Saturday from a business trip to Minneapolis.

JULES RUBENS of Great States Theatres is in New York from Chicago.

MATTHEW J. FOX, Universal vice-president, will arrive from the Coast today to remain for the Summer.

GENE TOWNE, RKO producer, arrived from the Coast Friday and returned Sunday after conferring with GEORGE J. SCHAEFER and W. G. VAN SCHMUS.

PEDRO SAENZ, RKO manager in Cuba, sailed Saturday for Havana. He attended the company's convention here.

MRS. ETHEL SANSONE of the Paramount publicity department is the mother of an eight-pound son, born late last week at Physicians Hospital, Jackson Heights.

KATE SANTOW of the Schoenstadt Circuit, Chicago, is in town.

JACK BERKSON of Mohawk Film Corp., has returned from a business trip to Buffalo, Cleveland and Detroit.

WILLIAM HOLLANDER, Balaban & Katz publicity head, and MRS. HOLLANDER are vacationing in the East. They will attend the commencement exercises at Dartmouth, where their son is graduating.

ARNOLD J. BERNSTEIN, son of DAVID BERNSTEIN, treasurer of Loew's, and JEANNE MARY POSTLEY of Scarsdale will be married July 1.

LEON NETTER, Paramount theatre executive, returns today from Beaumont and Dallas, Tex., where he conferred with JULIUS GORDON of Jefferson Amusement Co. and KARL HOB-LITZELLE of Interstate Circuit.

ART SCHMIDT, M-G-M publicity manager, was in Andover, Mass., over the weekend for the graduation of his stepson, JOHN BRITAIN, from Phillips Andover Academy.

GENE MURPHY, assistant to OSCAR DOOB, advertising and publicity head of Loew's Theatres, is now living in Stamford.

FRED TREBILCOCK, manager of the Uptown, Toronto, has returned here from Miami, where he had been removed from the *Clipper* on a return flight from South America for an emergency appendicitis operation.

JACK HUNT, manager of the Oriental, Chicago, has left with MRS. HUNT for a vacation in the East.

MARY ROSE SMITH, in the booking department at the Warner Des Moines exchange, has been married to ROBERT CLAYTON.

Empire Meet Honors Scully and McCarthy

TORONTO, June 16.—W. A. Scully, Universal general sales manager, and F. J. A. McCarthy, Eastern sales head, returned to New York over the weekend after attending the Empire-Universal convention here. A dinner in their honor was given Friday night at the Royal York Hotel. Guests included Col. J. A. Cooper, president, Motion Picture Distributors of Canada, and J. J. Fitzgibbons, vice-president of the Famous Players circuit. A. W. Perry, Empire-Universal general manager, was toastmaster.

Antonio Romano Dies

PROVIDENCE, June 16.—Funeral services will be held here tomorrow for Antonio Romano, 42, Associated Theatres district manager, who died late last week. A former attorney, he entered the business 12 years ago.

John Radford Dies

TORONTO, June 16.—John Radford, Toronto architect who designed the Toronto Opera House, which became the Regent, first theatre of the Famous Players' circuit, died here at the age of 79.

Butterfield Handles Reels

Allyn Butterfield, former Pathe News editor and Republic producer, has been appointed newsreel representative for the Republican National Committee.

Kentucky's Game Tax Now Effective

FRANKFORT, Ky., June 16.—A bill enacted by the 1940 legislature providing for a 15 per cent tax on Bank Night awards is now effective.

J. F. Donoghoe, head of the State Revenue Department here, said the law applies to churches, clubs or any organization conducting raffles, Bingo, or any contest of chance involving the awarding of prizes, including film houses.

Northwest Allied to Meet July 10 and 11

MINNEAPOLIS, June 16.—The board of directors of Allied Theatre Owners of the Northwest has called a convention to meet here July 10 and 11. On July 12 the Variety Club of the Twin Cities will hold its annual golf tournament. Ben Asch, secretary of Allied, was appointed by the board to attend the national convention in Chicago this week.

Reduce Weisman Bond

Reduction of the bond of Milton C. Weisman, as receiver of Fox Theatres Corp. from \$100,000 to \$7,500 was ordered on Friday by Federal Judge John C. Knox. Application was made by Weisman on ground that he has transferred most of Fox assets to himself and Kenneth P. Steinreich as trustees for liquidation.

Chicago to Have Anti-Nazi Theatre

Chicago, June 16.—Chicago's first anti-totalitarian film theatre will be opened here by Herb Elisburg, formerly Essaness Circuit supervisor. On July 1 he will take over the Sonotone, renamed the Studio, and will show foreign films, but not, he announced, Nazi, Soviet or Italian pictures. Top admission will be 75 cents.

Nat Cohn, Moscow Columbia Winners

ATLANTIC CITY, June 16.—Award winners in the Eastern and Southern sales divisions of Columbia's recent A. Montague anniversary sales drive were announced at the closing sessions of the company's regional sales meeting at the Ritz-Carlton here.

Sam Moscow, Southern division, and Nat Cohn, New York division, won the district managers' awards for sales and liquidations during the period from July 1, 1939, to May 10, 1940.

Awards to branch managers for liquidations during the drive period from Feb. 17 to May 10 went to T. F. O'Toole, New Haven; S. A. Galanty, Washington, and W. W. Anderson, Atlanta.

Awards for branch managers, salesmen office managers and bookers for sales and liquidations from July 1, 1939, to May 10, 1940, went to: W. W. Anderson, E. B. Foster, U. T. Koch, B. A. Wallace, J. S. Laird, W. C. Sampler of Atlanta; M. Fraum, S. Schussel, J. Sokoloff, S. Trauer, J. Wentisch, Irving Wormser, E. Helouis, S. Feinblum, W. Katz, I. Michaels, G. Fillet, J. Safer, of New York; H. Duvall, J. J. Fabacher, J. Winberry, R. Kelly, C. Randolph, of New Orleans; H. E. Weiner, W. Bethell, M. L. Goldstein, D. Korson, G. Schaeffer, L. Wurtele, J. H. Flynn, W. Donahue, B. Rosenthal, of Philadelphia; R. J. Ingram, G. Roscoe, R. D. Williamson, C. Patterson, of Charlotte, and T. F. O'Toole, B. J. Lourie and S. Swirsky of New Haven.

Awards to bookers for shorts and serial liquidations: Robert Kelly and Cecile Randolph, New Orleans; Sidney Laird and Clyde Sampler, Atlanta, and Sidney Swirsky, New Haven.

Awards on accessories sales went to Harry Goldberg, New York; Al Parizer, New Haven; Don Hassler, Charlotte; Alton Dureau, New Orleans; Thornton L. Hatte, Atlanta; Joe Goldsmith, Washington, and Kenneth Johnson, Cleveland.

Operating Weekends

The Windsor, 412 Grand St., Manhattan, is now operating on weekends only.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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PREVIEW!

Orchids to 'Mortal Storm'."

—WALTER WINCHELL,
Nationwide Columnist

STANDOUT FILM WHOSE
TORY, DIRECTION AND
ACTING LABEL IT FOR B.O.
TRIUMPHS EVERYWHERE...

This film must be seen by every
American... It is 'must' for cir-
cuits, ~~in~~ houses, and the public
... It is ~~per~~ entertainment, de-
cidedly one of the resounding pic-
tures of this or any other year.
Magnificently directed by Frank
Borzage, pulsating with dramatic
power, and played up to the hilt
by a transcendently skillful cast,
it will electrify audiences wher-
ever it is shown... Appears
destined to take its place among
the immortal photoplays."

—FILM DAILY

"A fine picture."

—ED SULLIVAN,
Nationwide Columnist

"Vivid and strong. Filled with
potential audience impact."

—MOTION PICTURE DAILY

"A film bomb... Will be enthusi-
astically received... A script of
rare craftsmanship... Frank
Borzage has created one of his
best directorial jobs... He has
turned out a film that demands
universal screening in American
theatres."

—VARIETY

"Powerful drama, skillfully pre-
sented. Margaret Sullavan and
James Stewart should go straight
to your heart and tear-ducts."

—HARRIET O. PARSONS,
Los Angeles Examiner

"One of the strongest dramatic
pictures issued during the year...
Of engrossing interest... The per-
formances one and all rise to an
exceptional level."

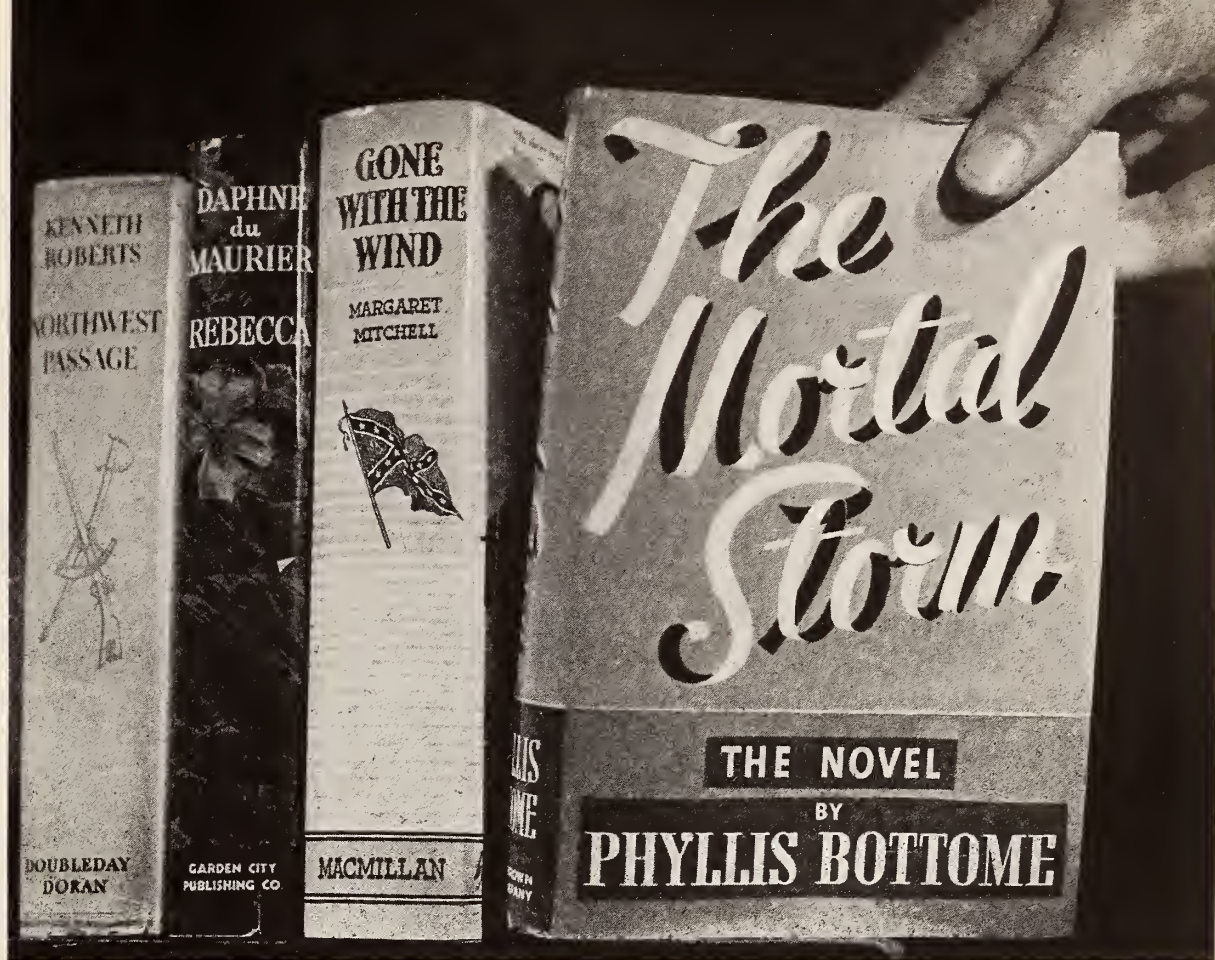
—EDWIN SCHALLERT,
Los Angeles Times

"Frank Borzage has carefully and
faithfully transferred Phyllis Bot-
tome's timely novel into a vivid,
touching drama... Brilliant work
by all the players... It is a beau-
tiful thrilling production.
M-G-M's Leo the Lion can well
roar with pride."

—JIMMY STARR,
Los Angeles Herald Express

"Gripping! Beautifully made mo-
tion picture, and one that merits
wide success... The perform-
ances are inspired. Among Frank
Borzage's distinguished credits can
be found no finer work."

—HOLLYWOOD REPORTER



ONE AFTER ANOTHER THE GREAT NOVELS

come to the screen, and here's
the new sensation!



MARGARET SULLAVAN
JAMES STEWART
ROBERT YOUNG
FRANK MORGAN

"THE MORTAL STORM"

with Robert Stack • Bonita Granville • Irene Rich • William T. Orr • Maria Ouspenskaya
Gene Reynolds • A Frank Borzage Production • Screen Play by Claudine West, Andersen Ellis
and George Froeschel • Based on the Book by Phyllis Bottome • Directed by Frank Borzage
A Metro-Goldwyn-Mayer Picture

New Sales Policies, U. S. Suit Settlement Chief Allied Topics

(Continued from page 1)

omission is viewed here as an indication that the present uncertain status of the measure in the House Interstate and Foreign Commerce Committee has made the Allied-championed legislation a less vital subject now than the prospective anti-trust suit settlement.

Jack Kirsch, president of Illinois Allied, and convention chairman, after referring to the proposed settlement states: "Within the next few months fundamental changes may be made in the structure and practices of the industry. Unless the exhibitors can unite upon and support a program of their own, they will be left holding the bag."

The statement is interpreted to mean that the Allied convention may propose a trade practice program for inclusion in a settlement of the anti-trust suit.

Kirsch states that the convention will consider indicated sales policies calling for extended playing time and higher film rentals, advanced by some industry executives as a means of offsetting lost foreign revenue.

Ortus Films Plans Picture in Canada

(Continued from page 1)

technicians, equipment and players. Four top-flight stars of British nationality, now in the United States, are reported to be on call for the picture, but they have not yet been announced.

Approximately 80 per cent of the picture will be exteriors and the remainder will be shot either in New York or London studios. Locations include Quebec, the Maritime Provinces, the Canadian Rockies, Vancouver and the Canadian West Coast. Sutro is expected here later to supervise the production, Powell will be chief director, and William Gillett, production manager for Ortus. Emerick Pressburger wrote the story.

Indications are that other British producers, including Alexander Korda and Monty Banks, may join the production movement here shortly.

Three on Goldwyn Loans

HOLLYWOOD, June 16.—Continuing his payroll reduction because of a lull in production, Samuel Goldwyn has loaned Walter Brennan to Frank Capra for "The Life of John Doe," and cinematographers Gregg Toland and Rudolph Mate, respectively, to Orson Welles for his first film and Universal for "Seven Sinners."

C.F.I. Net \$179,299

Consolidated Film Industries, Inc., has reported net profit of \$179,299 after depreciation and taxes, for the quarter ended March 31. The net compares with net profit of \$217,333 for the same quarter in the previous year.

Charges Against Disney

HOLLYWOOD, June 16.—Society of M. P. Editors has filed N.L.R.B. charges against Walt Disney Productions, claiming that the studio failed to bargain collectively for editors, assistants and film librarians.

Fund Expended \$345,430 Aiding 15,845 Last Year

The Motion Picture Relief Fund extended aid to 6,338 cases, consisting of a total of 15,845 individuals, with expenditures of \$345,430 during 1939, Jean Hersholt, Fund president, revealed here. The expenditures were almost \$80,000 higher than the \$268,266 spent during 1938. Income, exclusive of funds received from radio broadcasts which are kept in a special fund, fell short of expenditures by several thousand dollars, Hersholt said. The first four months of 1940 indicate that expenditures this year may run about 75 per cent ahead of 1939, Hersholt said.

The Will Rogers Memorial Fund has agreed to aid the M. P. R. F. by donating \$100,000, which will be turned over to the Cedars of Lebanon Hospital in Los Angeles for a permanent endowment of 10 beds. Each of the beds will be available to patients aided by the M. P. R. F. and will have a small bronze plaque stating that the beds are endowed in Rogers' memory.

Medical patients aided by the M. P. R. F. totaled 2,706 during 1939; those needing dental care totaled 403, and there was an average of 66 persons per month who required institutional care.

The Fund is supported mainly by an assessment of one-half of one per cent on those earning \$100 weekly or more. However, only the Screen Actors Guild and the Film Editors enforce this resolution. With the rest of the guilds and unions, the matter is left

to the members. In nine studios where a survey was taken, of those who were under contract at salaries over \$100, those contributing totaled 2,098 while 640 did not. Only at the Republic and Walter Wanger studios was there 100 per cent contribution, although at the Universal studio almost the entire roster contributed.

Hersholt declared that he is advocating increase of the assessment to one per cent, but he does not think it likely that the increase will be adopted. He has been renominated for the presidency for the fourth year and will be unopposed at the annual meeting on June 25. Hersholt points out that only two persons, Louise Closser Hale and Douglas Fairbanks, have ever left the Fund any bequest in a will and he believes there should be greater cooperation in this respect.

The Fund has received \$570,000 from the Gulf Oil-Screen Guild radio program, but this money is kept separately to provide a home for aged persons formerly connected with the industry. Hersholt believes that if the contract is renewed and an additional \$390,000 assured it will be possible to start building the home. The option must be exercised before July 1.

Hersholt's contract with his own radio sponsor has been renewed until Jan. 1, 1942. Among the provisions in the contract is permission to appear on the Screen Guild radio show at any time and the requirement that Hersholt's show originate from New York at least six weeks each year. He left for the Coast over the weekend.

'All This, and Heaven Too'

[Warners]

(Continued from page 1)

running time. Jack L. Warner was in charge of production, while Hal B. Wallis acted as executive producer and David Lewis was associate producer.

The settings are simple and unpretentious, for the most part, but the technical aspects are of the highest order. It is basically a human story, that of two individuals, beaten and torn by the force of circumstances over which they are unable to exercise control, and as such, relies on characterizations rather than the play of exterior, physical action.

Splendid support is provided by Barbara O'Neil as the duke's neurotic and jealous wife; Jeffrey Lynn, as the American minister who befriends the hapless girl; Harry Davenport, as the duke's faithful old retainer, and four youngsters, June Lockhart, Virginia Weidler, Ann Todd and Richard Nichols, as the duke's four lovable children.

Miss Davis, in New York as French teacher at a fashionable girls' school, is literally driven from her first day's class by murmurs of a previous scandal among the pupils. Courageously, she returns, and tells them the true story of the episode in Paris. Her story forms the body of the film.

Entering the duke's house as governess for his children, she gains their love and the respect and admiration of their father, Boyer. But she also arouses the impassioned jealousy of the near-crazed duchess, whose spies are among the servants. While gossip spreads through Paris, Miss Davis gives the children the affection and care they had never known from their mother, and comes to love the duke. A final outbreak brings her dismissal. Weeks of poverty follow as she awaits a needed letter of recommendation from the duchess. The duke learns of the situation, and, taunted by his wife, is driven frantic, and kills her. Miss Davis and the duke are arrested; he commits suicide and Miss Davis is freed for lack of evidence of complicity. Back in the schoolroom, the pupils express their sympathy and understanding and Lynn promises his devotion.

Running time, 143 minutes. "A."*

CHARLES S. AARONSON

*"A" denotes adult classification.

Showmen Helping to Absorb Overseas Loss, Says Sears

(Continued from page 1)

advertising and publicity; Carl Leserman, assistant general sales manager; Ben Kalmenson, Southern and Western sales manager; Roy T. Haines, Eastern and Canadian sales manager; Norman H. Moss, short subjects sales manager; A. E. Sackson, distribution executive; A. Schwalberg, supervisor of exchange; Also Mitchell Rawson, Sid Reche, Nik, Gil Golden, Lee Blumberg, and Joe Kelly.

The sales forces will include: Fred M. Jack, Southern district manager, and his contingent: Atlanta—R. McCoy, branch manager, and salesmen H. Black, H. R. Kistler, F. H. Rudolph, B. O. Weil, and Jack Goldsmith, publicity; Charlotte—J. A. Bachman, branch manager and salesmen Dean S. House, H. H. Jordan, H. Keeter; Dallas, Doak Robert branch manager, and salesmen Byrd Adams, Paul M. Backus, Henry C. Krumm, Hiram Parks, W. O. Williamson, Sr., and William Lewis, publicity; New Orleans—L. Conner, branch manager and salesmen J. D. Jernigan, P. L. Spindler; Oklahoma—J. O. Rohde, branch manager, and salesmen W. C. Blackstone and J. W. Loewe.

Rud Lohrenz, Midwest district manager and his contingent: Chicago—T. R. Giliam, branch manager, and salesmen Allen, R. C. Herman, George Weinberg, Goldman, Max Roth, and F. Barto, publicity; Indianapolis—Fred Greenberg, branch manager, and salesmen C. W. McKean and R. S. Schrader; Milwaukee—R. T. Smith, branch manager, and salesmen N. S. Bieinger and S. G. Honeck; Minneapolis—K. Olson, branch manager, and salesmen Myron B. Adeock, William Grant, Ernie Hill, Charles Jackson, E. D. Perkins, Lee Dizon.

James Winn, Prairie district manager and his contingent: Des Moines—A. W. Anderson, branch manager, and salesmen J. M. Beatty, L. L. Wells and Paul Walsi; Kansas City—W. O. Williamson, Jr., branch manager, and salesmen E. J. Block, Russell Borg, W. Don Woods, Harry Gaffney and M. Rubinger, publicity; Memphis—Homer Hisey, manager, and salesmen J. A. Carruth and A. W. Moor; Omaha—Sid Rose, manager, and salesmen F. J. Hannon and Leon Mendelson; St. Louis—Hall Walsh, manager, and salesmen Lester N. Bona, W. K. Gleason, James Hill and D. J. Edele.

Henry Herbel, West Coast district manager, and his contingent: Denver—E. J. Bell, manager, and salesmen W. A. Haeffiger and R. P. Jamison; Los Angeles—V. E. Callaway, manager, and salesmen J. I. Burden, J. N. Howland, C. T. Charac and Sam Clark and M. Weiser, publicity; Portland—V. Stewart, manager, and salesmen M. F. Keller and T. M. McDougall; Salt Lake City—William F. Gordon, manager, and salesmen M. H. Gustaveson, Keith K. Pack and Charles Saphro; San Francisco—Al Shmitkin, manager, and salesmen S. E. MacDonald, W. C. Wheeler, and Al Oxtoby; Seattle—William Shartit, manager, and salesmen Art Gollogon and C. W. Young.

American Tobacco Renews All Spots

American Tobacco Co. has renewed its two and a half minute spots on behalf of Lucky Strike cigarettes for 13 weeks over eight New York stations, it was disclosed by Lord & Thomas over the weekend. In addition to 104 weekly spots over WNEW, announced previously, seven other contracts were renewed: WHN 120 weekly; WMCA, 114; WOR, 30; WEVD, 25; WABC, 18; WEAF, 12; and WJZ, 6.

Eastern Sets Dividend

TORONTO, June 16.—Eastern Theatre, Ltd., subsidiary of Famous Players Canadian Corp., has declared a dividend of 3½ per cent on the preferred shares for the half year ending June 30.

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Industry

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VOL. 4, NO. 119

NEW YORK, U. S. A., TUESDAY, JUNE 18, 1940

TEN CENTS

Block Booking End Is Allied Aim This Year

Cole Expects Legislation 'Of Some Kind'

CHICAGO, June 17.—Abolition of block booking will be the chief aim of Allied States during the coming year, Col. H. A. Cole, president, said here today. Cole is here in advance of the organization's 11th annual convention, which will run from Wednesday through Friday at the Morrison Hotel. Jack Kirsch, president of Allied of Illinois and convention chairman, expressed the same view.

Theatre divorcement will also be a principal topic at the meeting. Commenting on the Neely block booking bill, Cole said: "The bill is not dead by a long shot. I am almost certain that the subcommittee now considering the bill will report some kind of a measure."

The proposed Federal admission tax also is expected to come up on the convention floor. Cole charged that the amended plan to levy a graduated tax on virtually all admissions was inspired by large circuit operators. Kirsch called it discrimination against the small theatre owner.

The meeting will open with registration and inspection of exhibits Wednesday morning, followed by a meeting of the board of directors. The first business session will be held in the afternoon, including a "Film Buyers' Convention," appointment of committees, officers' reports and general discussion. The evening will be spent at the Colony Club.

Thursday morning also calls for

(Continued on page 4)

Buck and Frohlich Confer with Arnold

Gene Buck, Ascap president, and Louis D. Frohlich of Schwartz & Frohlich, Ascap counsel, conferred in Washington yesterday with Thurman W. Arnold, special assistant to the U. S. Attorney General, on the Government's current investigation of Ascap.

The conference reportedly was concerned with the general background of the Government's present move against the Society, and its objectives.

Einfeld Pleads for Abandonment of All 'Selfish Interests'

CHICAGO, June 17.—Stronger cooperation among all branches of the industry should be the keynote for next season, Charles Einfeld, director of advertising and publicity, told the Warner regional sales meeting at the Blackstone Hotel here today.

"Selfish interests," must be abandoned, he said, to conquer the many problems facing the industry and the country as a whole. He urged a concerted cooperative effort by producers, distributors and exhibitors. Einfeld also discussed advertising, outlined plans for the coming season, and told the delegates to urge exhibitors to visit the Warner studio.

Warners will release 86 short subjects during the 1940-41 season, Norman H. Moray, short subject sales manager, told the meeting.

The shorts, all to be made on the Coast, will comprise 18 two-reelers and 68 one-reel subjects.

Among the two-reelers will be six "Technicolor Special Productions," including three American Cavalcades and three musical comedy featurettes; three Elsa Maxwell Blue Ribbon comedies; nine Broadway Brevities.

The Cavalcade shorts will be: "Songs of America," "The Fall of the Alamo" and "The Unknown Soldier." The musicals are: "Under Western Stars," "The Mississippi Showboat" and "Here Come the Girls." The three Elsa Maxwell subjects are: "The Lady and the Lug," "Riding Into Society" and

(Continued on page 4)

Para. Board to Be Reelected Today

Paramount stockholders are scheduled to elect the company's 16 directors at an annual meeting to be held at the home office today.

Directors are: Neil F. Agnew, Barney Balaban, Stephen Callaghan, Y. Frank Freeman, Harvey D. Gibson, A. Conger Goodyear, Stanton Griffiths, Duncan G. Harris, John D. Hertz, John W. Hicks, Austin C. Keough, Earl I. McClintock, Maurice Newton, E. V. Richards, Edwin L. Weisl and Adolph Zukor.

The elections are for one-year terms. The board is scheduled to meet tomorrow or Thursday to reelect the present officers. Officers are: Balaban, president; Zukor, chairman of the board; Griffiths, chairman of the executive committee; Freeman, Agnew, Hicks and Keough, vice-presidents; Walter Cokell, treasurer, and Keough, secretary.

SENATE APPROVES NEW TAX LEVIES

Goddard Postpones Trial to June 26

Federal Judge Henry W. Goddard yesterday ordered a fourth adjournment of the Government's New York anti-trust suit, this time to June 26, to permit continuance of discussions on settlement terms between attorneys for the Government and the defendants.

J. Stephen Doyle, special assistant U. S. Attorney-General, after obtaining the adjournment, privately informed Judge Goddard of developments to date. Present conferences are on arbitration, which is the first point of the settlement formula. Discussions of this point are expected to take several days more.

Ask Ampa Members To Approve Guild

Ampa members have been asked by the board of directors to vote on a resolution adopted by the board whereby the organization will give "recognition and encouragement to the Screen Publicists and Advertisers Guild and welcome it to our industry."

Results of the balloting will be disclosed at a closed Ampa meeting Thursday at Dempsey's restaurant, which will be the last of the season.

The resolution declares that the Ampa is a professional and social organization of "employer-producers, heads of departments and employees," as distinct from the Guild's union activities, and that "good relations between the two organizations would be of much mutual advantage."

Music Hall Sets 'Heaven' for July 4

"All This and Heaven Too" has been set to open at the Music Hall July 4, it was learned yesterday. The regular policy of the house will be continued during the run of the film. Warm weather caused the weekend business along Broadway to fall off considerably but two new films managed to draw well. At the Music Hall, "Our Town" with a stage show grossed an estimated \$55,000 for its

(Continued on page 6)

Levy Starts at 10 Cents, To Be Effective July 1 For Five Years

By BERTRAM F. LINZ

WASHINGTON, June 17.—The Senate late today approved the section of the defense tax bill levying a graduated scale on theatre admissions, starting at 10 cents. The bill will return to the House for agreement on the Senate changes.

The new scale, under which admissions of from 10 to 19 cents would be taxed one cent and higher admissions would be taxed at the rate of one cent for each 10 cents or fraction thereof is a substitute for the House provision reducing the exemption from 40 to 30 cents, and an adaptation of proposals made last week for a tax of one cent on admissions of less than 25 cents, two cents on admissions of 26 to 49 cents and 10 per cent on higher admissions.

In its report to the Senate today, the Finance Committee, discussing the changes it had made in the bill, declared that instead of raising the tax rate, it was deemed "much simpler and more feasible from an administrative point of view to decrease the exemption from 40 to nine cents."

The broader tax bill will bring in about \$112,000,000 more than the present levy, it was estimated. It will not add to the total revenue to be raised by the bill, however, as the Senate eliminated tobacco tax increases.

The bill being considered by the Senate provides that after June 30, 1945, admissions of less than \$3 should be exempt from tax. Whether this provision ever becomes effective, however, will depend upon the Government's needs at that time. The new taxes will go into effect July 1 for five years.

Reade Plans Four Houses at \$950,000

Construction of four new theatres in New York and New Jersey, aggregating \$950,000 in cost, is planned by Walter Reade. Two will be operated by the Reade circuit and the other two by RKO, Reade said.

The project, to get under way following approval of plans and specifications, calls for a 1,800-seat house on Franklin Ave., Hempstead, L. I.; a 1,200-seat theatre on Franklin St.,

(Continued on page 4)

A La Minsky

One look at a Republic Pictures' mailing piece on "Refugee," just out, and a good guess would be that the Advertising Code has been blitzkrieged. This piece opens up with a completely nude feminine form and figure which has nothing whatsoever to do with the picture — just a come-on a la Minsky.

Frisco Fair Hurts Theatre Grosses

SAN FRANCISCO, June 17.—Despite unpleasant weather, attendance for the first three weeks of the Fair here is running about 10 per cent ahead of the same period last year, with the 1,000,000th visitor already checked in.

Theatre men report the exposition already is "cutting down film receipts," mostly in the neighborhood houses. Downtown houses have come close to "holding their own," according to one exhibitor, but expect heavier going when the weather improves. Although numerous foreign exhibitors dropped out of this year's fair, all holdover concessions have been greatly enhanced by new decorations and new exhibits.

Entertainment features are improved 100 per cent over last year, with the Aquacade already passing the 400,000 mark, and "Cavalcade of America," "Folies Bergere" and Salici's Puppets playing to huge crowds. This year's Gayway is double the size of last year's, with many new attractions. Reduced bridge, ferry and parking tolls have stimulated attendance.

Personal Mention

CHARLES SKOURAS, Fox West Coast head, and ANDY KRAPP-MAN, his assistant, are here for conferences with Spyros Skouras.

JOSEPH SCHENCK, 20th Century-Fox board chairman, returned to the Coast over the weekend.

Y. FRANK FREEMAN, Paramount vice-president and studio head, arrived from the Coast yesterday.

EARL J. HUDSON, head of United Detroit Theatres, is here for Paramount home office conferences.

MARY QUINLAN of Comerford Amusement Co. and JOSEPH CAWLEY, assistant manager of the West Side, Scranton, Pa., will be married June 29 in the Church of the Nativity, Scranton.

WILLIAM CHAMBLISS of the 20th Century-Fox publicity department returned over the weekend from Halifax where he flew a bomber to be shipped to England.

CHARLES COLLINS, assistant manager of the Capitol, Danville, Pa., and his wife, the former BETTY MILLER, of the Comerford Theatres home office, are parents of an eight-pound girl.

HARRY FIRESTONE of the Esquire, Toronto, is a World's Fair visitor.

KATE LUTXEMBURGER, veteran employee in the Comerford home office, Scranton, Pa., is recovering from a recent illness.

C. J. HYDE of the Century, Detroit, is in town.

MORT BLUMENSTOCK, Warner advertising and publicity head in the East, and GILBERT GOLDEN of the advertising department left last night for the sales meeting in Chicago.

Ed McBride, manager of Loew's State, Providence, is vacationing in the Adirondacks and Buffalo, due back July 1. VAUGHN O'NEILL is acting manager of the theatre.

MAURICE SILVERSTONE, KAY KAMEN, IRVING BERLIN, JOSEPH MOSKOWITZ, BERNARD BRANDT, ARTHUR GOTTLIEB, JOSEPH PINCUS, J. J. MILSTEIN and HAL HORNE lunching at Lindy's (51st St.) yesterday.

WILLIAM F. RODGERS, CHARLES E. MCCARTHY, ART SCHMIDT, MAURICE BERGMAN, SAM SHAIN, MATTY FOX, JOHN W. HICKS, RUSSELL HOLMAN, ERNO RAPEE and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

GEORGE FRENCH, manager of the RKO Albee, Providence, dark for the Summer, is vacationing in the White Mountains. He reports here June 27 as vacation relief manager.

JACK O'CONNELL, assistant manager of the Roger Sherman, New Haven, and MARY DUNLEVY of that city, have announced their engagement.

WILLIAM MOSES, MAX FELLERMAN, EUGENE PICKER, MAX WEISFELDT and SOL EDWARDS at Lindy's (next to the Rivoli) yesterday for lunch.

ROBERT MARHENKA, manager of the Broadway Theatre, Baltimore, and his wife, are New York visitors.

Plan Actors' Tours For Red Cross Fund

Hollywood, June 17.—The Screen Actors Guild is working on plans to send units of leading players on cross-country tours making personal appearances in theatres, with proceeds to be turned over to the Red Cross. Kenneth Thomson, S.A.G. executive secretary, said arrangements would be closed in 10 days.

Plead Not Guilty in Federal Tax Cases

Albert I. Mackler, president of Monard Theatre Corp., which operates the Shubert, Brooklyn, has entered not guilty pleas on behalf of himself and the corporation in the Brooklyn Federal Court on charges of withholding \$2,068 collected as admission taxes.

Judge Marcus B. Campbell set bail at \$500, which was furnished. July 3 was fixed as the tentative date for trial.

Judge William Bondy accepted a similar plea from Cine Lux, Inc., and Pietro Garfalo, president, operators of the Cine Roma on Broadway, to a charge involving non-payment of \$16,000 in Federal admission taxes. Bail was set at \$1,000.

Legion Approves 7 of 9 New Pictures

Seven of nine new pictures have been approved by the National Legion of Decency, four for general patronage and three for adults. Two were found objectionable in part. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "The Ghost Breakers," "Lucky Cisco Kid," "Passport to Alcatraz," "Return of Wild Bill." Class A-2, Unobjectionable for Adults: "Island of Doomed Men," "The Mortal Storm," "Love, Honor and Oh, Baby." Class B, Objectionable in Part: "Fugitive," "Turnabout."

Barry Burke Resigns

MINNEAPOLIS, June 17.—Barry Burke, district manager for Minnesota Amusement Co., has resigned. The post will not be filled. Burke's duties will be divided among other members of the organization.

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(Registered U. S. Patent Office)

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RKO Allowance Pleas To Be Resumed Today

Federal Judge William Bondy will hear a continuation of arguments today on applications for final allowances in RKO reorganization proceedings. Attorneys for applicants will answer the arguments of the Securities and Exchange Commission for drastic cuts of most applications. Total petitions for allowances exceed \$2,000,000 and 100,000 shares of RKO common stock.

Replace Wallack With New Theatre

Razing of the Wallack, theatre landmark, at 254 W. 42nd St., has been started by Anfin Enterprises, Inc., of which Max A. Cohen is head. The company will replace the structure with a new 600-seat house and stores. Cohen, who had operated the Wallack from 1930 to 1937, acquired the property recently. The Wallack originally was a legitimate theatre.

Kane to Coast Friday

Robert T. Kane, in charge of British production for 20th Century-Fox, who arrived last week from England, will leave for the Coast next Friday for conferences with Darryl F. Zanuck.

London Wage Rise Subject to Review

London, June 17.—Details of the wage bonus granted employees of London and Home Counties film houses, indicate that the seven and one-half per cent wage increase is not a fixture. The scale of increases will be reviewed in December.

The seven and a half per cent will be added to the salaries of those working on a minimum wage. Employees who earn higher rates will have an increase to bring them up to the new standard. Some 600 houses are covered by the agreement, and about 15,000 employees.

Petrillo Starts New Presidential Duties

James C. Petrillo, newly elected president of American Federation of Musicians yesterday took over his new duties following his formal installation at the Indianapolis convention Saturday. Others officers installed were C. L. Bagley, of Los Angeles, Fred W. Birnbach, of Newark, secretary; and H. E. Brenton, of Boston, financial secretary-treasurer.

Montgomery Due Here

Robert Montgomery is reported to have arrived at Lisbon to await Clipper transportation to America following several weeks as an ambulance driver in France.



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Allied Meeting Gets Roosevelt's Greeting

Chicago, June 17.—President Roosevelt has sent personal greetings to the national Allied convention here this week. The message, to Jack Kirsch, convention chairman, from the White House, said:

"My hearty greetings and best wishes to all who attend the 11th annual national convention of the Allied States Association of Motion Picture Exhibitors in Chicago. I trust that the convention will be a successful one, fruitful of wise counsels and constructive action to promote alike the closely allied interests of the exhibitors and the patrons."

Block Booking End Is Allied Aim This Year, States Cole

(Continued from page 1)

registration, inspection of exhibits and a directors' meeting, following by visits to Film Row. An open forum and committee reports will feature the afternoon business session. Entertainment and dinner will be at the Chez Paree. Friday morning will have the same program as the two previous days, while a general discussion of industry problems will occupy the final business session Friday afternoon. An early evening cocktail party at the hotel will precede the 11th annual dinner-dance, concluding the convention.

Convention Exhibits

Companies with exhibits at the convention include:

American Seating Co., Hyland Electrical Supply Co., De Fi Manufacturing Co., Cross Machine Shop, Motion Picture Herald, International Enterprises, Showmen's Trade Review, The Benwood Linze Co., The Slater Co., Joe Goldberg, Ideal Seating Co., Brenkert Light Projection Co., American Ticket Corp.

National Carbon Co., Holmes Projector Co., RCA Manufacturing Co., Marcus Ruben, Inc., Sprincin Movie Time Clock & Admission Sign Manufacturing Co., Advance Manufacturing Co., Heywood-Wakefield, Vilter Manufacturing Co., C. Cretors & Co., Confection Cabinet Corp., International Seat Corp., Thomas E. Mad-dock Co.

Kroehler Manufacturing Co., De Vry Corp., Burch Manufacturing Co., Consolidated Book Publishers, Motograph, Inc., Universal Theatre Premiums, Inc., Arcus Ticket Co., Alexander Smith Carpet Co., National Program Printing Co., National Screen Service, National Theatre Supply Co., Adler Sign Letter Co., American Vending Corp., Harrison's Reports.

'Geste' Now in Ontario

TORONTO, June 17.—"Beau Geste," long held up by the Ontario Board of Censors at the request of the French Government, has opened at the Imperial here. This feature was about to open at the Uptown last Labor Day when it was withdrawn by the board.

Hollywood Reviews

"The New Moon"

(M-G-M)

HOLLYWOOD, June 17.—Produced in opulence and directed with precision and understanding by Robert Z. Leonard, this 1940 production of the Sigmund Romberg operetta still green in contemporary memory is at its best when the singing is being done, equivalently entertaining in the humorous sequences and less so only when fighting is going on and the plot waxes earnest. For those lovers of good music who care not what the singers may be suppositiously engaged in doing between songs it is splendid diversion coming at a time when it is needed. Jeanette MacDonald and Nelson Eddy make grand use of the Romberg music, ably accompanied at times by groups in varying numbers, both stars turning in tip top vocal performances.

Mary Boland, George Zucco, H. B. Warner, Grant Mitchell, Stanley Fields, Richard Purcell, John Miljan, Ivan Simpson and William Tannen are among the many supporting players who head a numerous cast. The film has to do with the shipping of French bondsmen to New Orleans, the wooing by one of them of a gentle lady, their escape from captivity, arrival at an uncharted island where all present set up a democratic system of community life and work out their romantic destinies harmoniously. It all happens back in the days when Louis Felipe was governing France and New Orleans was among his possessions.

Screenplay of the present version is by Jacques Deval and Robert Arthur, book and lyrics by Oscar Hammerstein II, Frank Mandel and Laurence Schwab. Musical direction is by Herbert Stothart.

Running time, 105 minutes. "G."*

ROScoe WILLIAMS

"Anne of Windy Poplars"

(RKO)

HOLLYWOOD, June 17.—Proceeding in strict compliance with first principles of film entertainment, Producer Cliff Reid supplies herewith a simple and convincing version of the widely-read L. M. Montgomery novel. Starring Anne Shirley in the name role, supported by such dependables as James Ellison, Patric Knowles, Slim Summerville, Elizabeth Patterson, Louise Campbell, Joan Carroll, Katherine Alexander, Minnie Dupree and as many more, the film is a pleasantly sentimental excursion beyond the horizon of realistic contemporary product.

Miss Shirley, as the Anne formerly of Green Gables, arrives at Pringleville (1890 or thereabouts) to teach in the town's school. She is resented by the Pringles, descendants of the town's founder, who seek to oust her by devious persecutions, but her unflinching kindness and soft resistance to pressures applied by townsfolk under the Pringle influence succeeds ultimately in making friends of her antagonists and bringing a new and happy community spirit to the village.

Jack Hively directed with full allowance for the story's many emotional values retained in the screenplay by Michael Kanin and Jerry Cady. It is a family picture in subject and treatment, with laughter as well as tears, both of the gentler sort.

Running time, 87 minutes. "G."*

ROScoe WILLIAMS

"A Fugitive from Justice"

(Warners)

HOLLYWOOD, June 17.—This is a hilarious melodrama dealing with the adventures of an insurance company investigator trying to keep alive a gang leader insured for \$1,000,000. Matters become complicated when a rival gang leader wants to murder the insured man, and the police also want him "dead or alive," preferably the former, because of suspicion that he killed a police officer. Roger Pryor enacts the investigator, aided, and hampered, too, by a dim witted aide, Eddie Foy, Jr. Others in the cast include Lucile Fairbanks, Sheila Bromley, Morgan Conway, Donald Douglas, John Gallaudet.

Alex Gottlieb, in adapting the original story by Leonard Neubauer, created a fast moving screenplay replete with action and comedy.

Terry Morse directed with Bryan Foy production.

Running time, 55 minutes. "G."*

VANCE KING

*"G" denotes general classification.

Two Firms Chartered

ALBANY, June 17.—Two film concerns chartered here are: Proser-Batchelor Productions, Inc., Manhattan, by D. Levine, E. Handsher and S. Satz, and A. & G. Amusements, Inc., Brooklyn, by Max Roseman, Sidney Soffer and Israel Yankowitz.

Delay Ascap Hearing

NEW HAVEN, June 17.—Hearing scheduled for last week on the Ascap damage and injunction suit against Harry L. Lavietes, operator of the Pequot Theatre, has been postponed until the Fall because of crowded U. S. District Court calendar.

Einfeld Pleads for Abandonment of All 'Selfish Interests'

(Continued from page 1)

"Throwing a Party." The nine Brevities are titled: "Ed Sullivan's Hollywood Review," "Kiddie Revue," "Ice Follies," "Sockeroo," with Maxie Rosenbloom; "Those Minstrel Days," "The Dog in the Orchard," service with the Colors," a Damon Runyan comedy and "In Old Mexico."

The 68 one-reelers will comprise: six Hollywood Novelties, 10 Melody Master Bands, 10 Sports Parades in color, 26 Merrie Melodies (cartoons) in color, and 16 Looney Tunes (cartoons). The 42 cartoons will be produced by Leon Schlesinger.

Carl Leserman, assistant general sales manager, opened the meeting this morning, reading telegrams from Harry Warner, Jack Warner and Hal B. Wallis, and another from Gradwell L. Sears, general sales manager, who was unable to attend the session. Sears is due by plane to conduct the sessions after today. Ben Kalmenson, Western and Southern sales manager, called the roll.

Leserman announced that the Southern and West Coast districts won first and second places, respectively, in the recent Sears Drive.

Checks were presented by Leserman to Kalmenson, Fred Jack southern district manager; Henry Herbel, West Coast district manager, and the following branch managers in the two territories, in the order of their finish: South: Ralph McCoy, Atlanta; Doak Roberts, Dallas; J. O. Rohde, Oklahoma City; John A. Bachman, Charlotte; L. Conner, New Orleans. West Coast: William F. Gordon, Salt Lake; W. E. Callaway, Los Angeles; William Shartin, Seattle; Veto Stewart, Portland; Al Shmitken, San Francisco; Earl Bell, Denver.

Reade Plans Four Houses at \$950,000

(Continued from page 1)

Garden City, L. I.; a 1,000-seat theatre on Brunswick Ave., Trenton and a 1,000-seat house to occupy the present site of the Trent, Warren St. Trenton, which will be demolished. The latter house will be built in association with RKO, which will operate that and the other Trenton house.

The first three theatres, as designed by Thomas Lamb, will cost about \$800,000. Each, to be named the Community, will be patterned after the colonial-type Reade theatres in Toms River and Morristown, N. J. Demolition of the Trent and erection of the new house is estimated at \$150,000.

Replace Bleecker Hall

ALBANY, June 17.—A new theatre will be built on the site of the famous Harmanus Bleecker Hall, which was destroyed in a \$250,000 fire early in May. Clause in the contract between the Fabian Theatres' operating company and Christopher H. Buckley former Albany exhibitor who owns the building, allows rebuilding without termination of the lease.

PACEMAKERS

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EASTMAN NEGATIVE FILMS

Studios Now Working on 48 Pictures

HOLLYWOOD, June 17.—Forty-eight pictures were before the cameras this week, as 12 started and eight finished. Columbia's is the busiest lot, with eight pictures in work. Twenty-seven are being prepared and 79 are being edited.

The tally by studios:

Columbia

In Work: "Arizona," "The Howards of Virginia," "It Happened in Paris," "He Stayed for Breakfast," "Five Little Peppers at School," "The March of Crime," "The Pinto Kid," "So You Won't Talk."

M-G-M

Finished: "Boom Town."
In Work: "Strike Up the Band," "Escape," "The Bad Man of Wyoming."
Started: "The Golden Fleecing," "Dulcy."

Monogram

In Work: "Kid Reporters."
Started: "Boys of the City."

Paramount

In Work: "Rangers of Fortune," "Rhythm on the River," "Victory," "The New Yorkers."

RKO

In Work: "Lucky Partners," "Dance, Girl, Dance," "Men Against the Sky," "Laddie," "Stranger on the Third Floor."
Started: Untitled Charles Laughton-Carole Lombard vehicle.

Republic

In Work: "Sing, Dance, Plenty Hot," "The Ranger and the Lady."
Started: "Everybody's Happy," "The Tulsa Kid."

Small

In Work: "Kit Carson."
Started: "The Son of Monte Cristo."

20th Century-Fox

Finished: "I Married a Nazi," "Charlie Chan in the Wax Museum," "Ghost of the Cisco Kid."
In Work: "Brigham Young," "The Return of Frank James," "The Great Profile."
Started: "For Beauty's Sake."

Universal

Finished: "Junior G-Men," "The Mummy's Hand."
In Work: "Spring Parade," "When the Daltons Rode," "Margie."

Warners

Finished: "No Time for Comedy," "River's End."
In Work: "The Man from Fleet Street," "City for Conquest," "Money and the Woman," "The Letter."
Started: "Tugboat Annie Sails Again," "Ladies Must Live," "Flowing Gold."

Sig Neufeld

Started: "Billy the Kid Outlawed."

Skirball Leases House

MANSFIELD, O., June 17.—William Skirball, Cleveland, has leased the 725-seat Ritz from Sol Bernstein. Skirball will continue the previous second run policy. Bernstein will retire because of ill health. Ben Patten, formerly with the Palace, in Toledo, O., has been appointed manager of the Ritz.

Chaplin Holds Up Morros Deal for Paulette Goddard

HOLLYWOOD, June 17.—Plans of BORIS MORROS and ROBERT STILLMAN to star PAULETTE GODDARD and FRED ASTAIRE in "Second Chorus," National Picture Corporation's first release for Paramount, have been stymied by CHARLES CHAPLIN. While Paramount, which shares the starlet's contract with CHAPLIN, was quite willing for the deal, CHAPLIN is not anxious for her to make any outside pictures until after the release of "The Dictator," or whatever he will call his forthcoming United Artists film. STILLMAN and MORROS are looking for a new lead. ARTIE SHAW and his new band will be featured in "Second Chorus."

HERB MORGAN, M-G-M's shorts exploitation manager, is here for conferences with FRED QUIMBY. . . . GEORGE SANDERS, FLORENCE BATES and IAN WOLFE are supporting LOUIS HAYWARD and JOAN BENNETT in EDWARD SMALL'S "The Son of Monte Cristo," which ROWLAND V. LEE is directing. . . . RKO's important directorial deals of the week include the setting of ROBERT STEVENSON to direct "Kitty Foyle," GINGER ROGERS vehicle, and LEWIS MILESTONE to guide "Mr. Pinkie," formerly named "Half a Rogue," a CHARLES LAUGHTON vehicle. . . . M-G-M has changed the title of "I Do," with LANA TURNER and JOHN SHELTON, to "We Who Are Young." . . . "Frontier Doctor," URLING COE's best seller, is being considered as a PAUL MUNI vehicle at Warners.

MARGARET LINDSAY will appear opposite ALLAN JONES and RICHARD BONELLI and IRRA PATINA, both of the Metropolitan Opera, will support them in Paramount's "There's Magic in Music," which ANDREW L. STONE is producing and directing. . . . FRANK

CAPRA has added EDWARD ARNOLD and JAMES GLEASON to the cast of "The Life of John Doe." . . . WILKIM SEITER, director of Universal's "Hired Wife," has rented CHARLES RUGGLES' dog kennels for three days location work. . . . HAL ROACH has increased the budget of "Captain Caution." RICHARD WALLACE is directing the GROVER JONES script of KENNETH ROBERT'S novel. . . . HARRY SHANNON joins the cast of Warners' "Tugboat Annie Sails Again." . . . ROBERT STERLING and LYNN BARI will be featured in 20th Century-Fox's "Charter Pilot."

M-G-M last week purchased "The Whispering Cup," novel by MADEL SEELEY, which FREDERICK STEPHANI will produce. GENE SOLOW, who wrote the script for "Of Mice and Men," has been assigned to the screenplay. . . . H. BRUCE HUMBERSTONE will direct Paramount's football film, "Touchdown," with WAYNE MORRIS, VIRGINIA DALE and LILLIAN CORNELL. . . . LARRY DARMOUR this week starts production on the Columbia serial, "Deadwood Dick." JAMES HORNE will direct, with DON DOUGLAS, LORNA GRAY, LANE CHANDLER included in the cast.

JOHN WAYNE's next picture for Republic will be "The Big Bonanza," from a forthcoming novel by PETER B. KYNE. It deals with a Harvard graduate in the days of the Comstock Lode discovery. . . . "Puddin' Head" is the second of JUDY CANOVA's vehicles at Republic. Her first, "Scatterbrain," is being edited. . . . New contracts at M-G-M include those of MAUREEN O'SULLIVAN, ED KILROY and PHILIP DORN, players; GOTTFRIED REINHARDT, producer, and SONJA LEVIE, writer.

'Susan' Kansas City Winner with \$10,800

KANSAS CITY, June 17.—In spite of rain and the Walkathon, "Susan and God" did \$10,800 at Loew's Midland and "Brother Orchid" gave the Newman \$7,800.

Estimated takings for the week ending June 12-13:

"Earthbound" (20th-Fox)
ESQUIRE—(800) (25c-40c) 5 days. Gross: \$1,000. (Average, 5 days, \$1,800)
"Susan and God" (M-G-M)
"The Lone Wolf Meets a Lady" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$10,800. (Average, \$9,500)
"Brother Orchid" (W.B.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: \$7,800. (Average, \$7,000)
"Torrid Zone" (W.B.)
"You Can't Fool Your Wife" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: \$4,100. (Average, \$5,000)
"Bombs Over London" (Film Alliance)
TOWER—(2,200) (25c) 7 days. Stage: Art Kassel & His Orchestra, featuring Marion Holmes. Gross: \$6,700. (Average, \$6,000)
"Earthbound" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 5 days. Gross: \$1,300. (Average, 5 days, \$2,800)

Albany Strike Ends

ALBANY, June 17.—A week's strike tieup which forced exchanges to make pickups and delivery of prints by express was ended here late last week when the teamsters and haulers union mediated their troubles with the employers.

'Way' \$5,700; Grosses Slow In Twin Cities

MINNEAPOLIS, June 17.—Business continued slow here. Best business in Minneapolis was \$5,700 for "If I Had My Way" at the Orpheum, and in St. Paul the leader was "My Son, My Son" with \$4,000 at the 27th Avenue. Estimated business for the week ending June 12:

Minneapolis:

"Hot Steel" (U.A.)
"Opened by Mistake" (Para.)
"Hidden Gold" (Para.)
"Three Cheers for the Irish" (W.B.)
ASTER—(900) (15c-25c) 7 days, 2nd week. Split week. Gross: \$2,800. (Average, \$1,800)
"Til We Meet Again" (W.B.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: \$2,500. (Average, \$4,000)
"Women in War" (Rep.)
ESQUIRE—(290) (25c) 7 days. Gross: \$500. (Average, \$1,000)
"House Across the Bay" (U.A.)
GOPHER—(990) (25c) 7 days. Gross: \$3,000. (Average, \$2,500)
"If I Had My Way" (Univ.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$5,700. (Average, \$5,500)
"My Son, My Son" (U.A.)
STATE—(2,300) (25c-40c) 7 days. Gross: \$5,400. (Average, \$5,500)
"Lillian Russell" (20th-Fox)
WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: \$2,100. (Average, \$1,600)

St. Paul:

"If I Had My Way" (Univ.)
"Til We Meet Again" (W.B.)
ORPHEUM—(2,000) (25c-40c) "Way" five days. "Meet Again," 2 days. Gross: \$3,500. (Average, \$4,000)
"My Son, My Son" (U.A.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: \$4,000. (Average, \$4,500)
"Star Dust" (20th-Fox)
RIVIERA—(1,000) (25c) 6 days. Gross: \$1,400. (Average, \$1,800)
"King of the Lumberjacks" (W.B.)
"One Was Beautiful" (M-G-M)
TOWER—(1,000) (25c) 7 days. Gross: \$1,900. (Average, \$1,800)
"Saps at Sea" (U.A.)
WORLD—(400) (25c-55c) 7 days. Gross: \$1,200. (Average, \$1,000)

Music Hall Sets 'Heaven' for July

(Continued from page 1)

first four days and will be held over "The Doctor Takes a Wife" with stage show at the Roxy drew an estimated \$18,500 for the first three days.

"Safari" will open at the Paramount tomorrow after two weeks for "Th Way of All Flesh." The latter film with Harry James' band on the stage should end its second week with an estimated \$24,000. The first three days of the second week of "Brother Orchid" with Jimmy Dorsey's band on the stage drew an estimated \$17,000 at the Strand. "The Crooked Road" grossed an estimated \$4,500 at the Rialto and "Island of Doomed Men" an estimated \$4,000 at the Globe.

Strike Out Game Plea

MOBILE, Ala., June 17.—Motion has been granted in Equity Court here to strike out the complaint of Ricardo Montiel, manager of the Saenger, in which he charged discrimination in enforcement of the lottery law. Montiel was indicted last January for operating Bank Night. In his complaint, he cited the operation of Bingo under the sponsorship of churches and organizations.

Providence Gives \$7,500 to 'Safari'

PROVIDENCE, June 17.—Aided by personal appearances of Lynne Overman, J. Carroll Naish and Muriel Angelus at the opening, the Strand, with "Safari" and "Those Were the Days" took \$7,500. The house was the only one to go over average.

Estimated takings for the week ending June 12-13:

"My Favorite Wife" (RKO)
"Courageous Dr. Christian" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days, 2nd week. Gross: \$4,300. (Average, \$6,000)
"Our Town" (U.A.)
"My Son Is Guilty" (Col.)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$11,000)
"Brother Orchid" (W.B.)
"Murder in the Air" (W.B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$6,200. (Average, \$7,000)
"Safari" (Para.)
"Those Were the Days" (Para.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$7,500. (Average, \$6,000)
"The Human Monster" (Mono.)
"I Can't Give You Anything But Love, Baby" (Univ.)
FAY'S—(1,800) (15c-25c) 7 days. Gross: \$1,700. (Average, \$2,500)
"Waterloo Bridge" (M-G-M)
"A Bill of Divorcement" (RKO)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,800. (Average, \$3,500)
"House Across the Bay" (U.A.) (3 days)
"Abe Lincoln in Illinois" (RKO) (3 days)
"If I Had My Way" (Univ.) (4 days)
"It All Came True" (W.B.) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: \$1,500. (Average, \$1,700)

Short Subject Reviews

Mechanix Illustrated **No. 4**

(Warners)
Four subjects which collectively old for the general audience comprise this "Color Parade" unit. Shown are the radio booth at La Guardia Field from which air traffic is controlled; scientific designing as the basis of modern streamlining; testing manufactured products for consumer protection and the use of carbon dioxide in extinguishing fire. Running time, 10 mins.

"Tom Thumb in Trouble" (Warners)

Cartoon work is especially good here, particularly of Tom Thumb's father, wood chopper. A "Merrie Melody," it tells of Tom's experiences with a bird which is misunderstood by Tom's father, and Tom's attempt to correct the situation. The tale is typical cartoon, but the technical work makes it better than average. Running time, 10 mins.

"Onion Pacific" (Paramount)

The Popeye-Bluto feud continues with the pair vying for the state railroad franchise, Popeye on the "Onion Pacific" and Bluto on the "Sudden Pacific." The cartoon should afford laughs for most audiences. Foul play by Bluto results in Popeye's crash, until the spinach comes to the rescue. Running time, 7 mins.

"Wimmin Is a Myskery" (Paramount)

Pondering Popeye's marriage proposal, Olive Oyl goes to bed dreaming of married life with the sailor and their sons. As expected, the children are miniatures of Popeye. The boys are spanked by Olive for wrecking the house, eat spinach and revolt. The next morning Olive rejects Popeye's offer. Running time, 7 mins.

"Blue Barron and His Orchestra" (Paramount)

In a Broadway night club setting, Barron's orchestra is pictured as a typical phase of New York night life. Vocals by Russ Carlyle, Charlie Fisher, Anita Boyer and Tiny Wolf, and Ronnie Snyder's novel whistling all are enjoyable. The leader's radio popularity is an asset. Running time, 10 mins.

"Cinderella's Feller" (Warners)

The adventures of Cinderella are recounted in a lavish production. Costumes and settings are beautiful. Two youngsters, Juanita Quigley and Scotty Beckett, enact the Cinderella and Prince Charming roles effectively. Also in the cast are Maris Wrixon, Virginia Brissac, Ann Bennett and Marjorie Whately. Embellishing the story are dance and vocal numbers by many talented children. The tale is basically the same. Running time, 19 mins.

Feature Reviews

"The Refugee"

(Republic)

HOLLYWOOD, June 17.—Republic has taken the problems confronting refugees of European oppression and victims of natural conditions in the Midwest and wound them into a solidly built story which expounds the fighting spirit of substantial peoples. It tells of the fight of a group of farmers against the ever widening dust bowl, their trek—"an advance, not a retreat"—to a new land, Oregon, where they build new homes and new farms. Paralleling this is the story of a girl and her physician father, both refugees from Austria's anchluss, and of how they attune themselves to the pioneer spirit of the Americans. In the end, the leader of the farmers and the girl refugee wed, but only after she and her father turn down the advances of her former sweetheart who had helped them escape from persecution and who now, in America on a mission for the Nazis, offers to them a return to Berlin and freedom under his influence from the trouble which caused them to flee.

John Wayne, last seen in "Dark Command," Republic's other recent high budget offering, in this does his best acting, as the leader of the farmers. Sigrid Gurie plays the girl, and Charles Coburn her father. Others include Spencer Charters, who makes much of his comedy characterization; Sonny Bupp, Wade Boteler, Russell Simpson, Trevor Bardette, Roland Varno and others.

Bernard Vorhaus' direction is highly commendable, making the film a moving, compelling and stirring drama. The original screenplay by F. Hugh Herbert, Joseph Moncure March and Samuel Ornitz is a fine, restrained piece of cinema writing.

Production credit goes to Sol C. Siegel, Republic's top producer.

Running time, 77 minutes. "G."*

VANCE KING

*"G" denotes general classification.

"Gestapo"

(M-G-M)

LONDON, May 30 (By Mail).—This effort again postulates the problem for the modern showman whether the wartime audience wants to be reminded about the war. Present urgencies and crises facing Britain may well weigh the odds against a spy melodrama which takes everything out of the contemporary box of tricks, Gestapo, storm troopers, concentration camps, Hitler, Czechoslovakia and all. If there are still film patrons who think the war jolly good fun, then "Gestapo" presents a richly packed measure of the accepted brand of spy yarn, packed, maybe, with a hand a little too generous.

Carol Reed's film concerns the masquerade of a British Secret Service man as a German officer, in Germany and German held territory. Though Rex Harrison's infectious personality makes the role attractive, his bearing and accent are as Teutonic as Saville Row or Pall Mall. However, he gets away with it and shepherds a Czech and his daughter to safety across the frontier, ending up with a gun battle on a railway.

There is a vein of humor mainly from the impeccable Radford-Wayne team. Reed's directorial hand, however, seems a little tired and the whole film does not rate up to his best efforts. Margaret Lockwood is the Czech girl.

Running time, 95 minutes. "A."*

AUBREY FLANAGAN

*"A" denotes adult classification.

"Isles of the East"

(20th Century-Fox)

In that the fate of Holland's East Indies possession is a matter of international concern, this picture of the islands and their inhabitants is significant. Classified as a "Magic Carpet of Movietone," the short describes pictorially the occupations of the natives, shows ceremonial dances, and presents the usual travelogue study. Lowell Thomas narrated. Running time, 9 mins.

"The Chewin' Bruin"

(Warners)

A "Looney Tune," this falls short of the Leon Schlesinger standard. An old trapper tells Porky Pig of his experiences with a bear who craved chewing tobacco. The scene shifts to the woods with the hunter and the bear engaged in battle. Running time, 7 mins.

"The Foul Ball Player"

(Paramount)

A "Stone Age" subject, this cartoon is on a baseball game between the Granite Giants and the Marble Midgets. "Our Hero," on the latter team, encounters difficulties with the opponents' pitcher, finally wins the game and fair lady. This is amusing. Running time, 7 mins.

"Cradle of Champions"

(Paramount)

Grantland Rice concentrates on the younger athletic element, providing appeal for virtually all boys and interest for parents. The subject presents various sports as taught to youngsters. Shown are Boy Scouts at an equestrian school, boys on the gridiron, receiving track lessons at Southern California, skiing at Dartmouth and boxing at Navy. Running time, 10 mins.

Theatre Changes

Lynch Plans Miami House

MIAMI, June 17.—S. A. Lynch, president of Paramount Enterprises, has leased space in the new Lincoln-Washington Building, now under construction, for a \$250,000 theatre, to accommodate 1,600.

Plan Alabama Theatre

MONTGOMERY, Ala., June 17.—The old Southern Hotel Building here will be torn down this Summer to make room for a modern theatre to be owned by Oklahoma interests, it is learned.

Buys House in St. Helena

ST. HELENA, Cal., June 17.—Jack Wilson has sold the Liberty to L. A. Schelling, who will remodel the house at a cost of \$20,000.

Open Memphis Theatre

MEMPHIS, June 17.—The theatre here, formerly operated by Malco, and recently remodeled at a cost of \$40,000, has reopened as Loew's Palace, second link in the Loew circuit here.

Rename Kansas House

KANSAS CITY, June 17.—H. J. Griffith Theatres, Inc., has renamed the Dickinson, Manhattan, Kan., the State.

Manages Commonwealth House

KANSAS CITY, June 17.—Rex Beach has been appointed manager of the State, Garden City, Kan., by Commonwealth Theatres, Inc. He succeeds M. B. Smith, now western Kansas supervisor for the group. Beach formerly was at the Ritz, Garden City, where he has been succeeded by Ernest Nelson.

Opens Potsdam Theatre

POTSDAM, N. Y., June 17.—The Star, new theatre, has been opened here by James Papayanakos.

Take Ohio Theatre

LEBANON, O., June 17.—Blair and Laws, who operate the Town Hall here, have taken over the Grand from J. C. Patterson, thus giving them the only two houses in this situation.

Plans Mississippi House

HERMANDO, Miss., June 17.—W. H. Caven of Booneville, Miss., has purchased a lot from Earl Mosby and will build a theatre here.

Start Pawtucket House

PAWTUCKET, R. I., June 17.—Work has started on a new subsequent run, seating 1,000, in the Fairlawn section of Pawtucket.

Heads Theatre Company

Dan Basile is now president of the company operating the Rex, Irvington, N. J. Rube Greenberg is secretary and treasurer.

Takes Delaware House

MILTON, Del., June 17.—E. M. Smith, Jr., has taken over the operation of the Milton Theatre here.

Reseat Bridgeport House

BRIDGEPORT, Conn., June 17.—Loew's will seat the 776-seat second balcony of the Globe Theatre. The remainder of the 2,658-seat house was recently reseated.

WNEW Claims RCA Attempt At Monopoly

RCA Manufacturing Co. and other recording companies were charged with seeking to obtain a monopoly on the broadcasting of records by Col. Joseph Hartfield, attorney for station WNEW, during the argument yesterday of an appeal before the Circuit Court of Appeals from a Federal court decision which restrained WNEW from broadcasting RCA records without a license.

Hartfield claimed that many small broadcasting stations would be forced to close down if they were compelled to pay licensing charges. The decision of the lower court had ruled that Paul Whiteman, RCA artist, could restrict the use of his recordings and the RCA had a similar right if its contract with Whiteman so stipulated.

Joseph MacKay, attorney for RCA, asked the court to rule that a recording company may specifically limit the use of records on sale to non-commercial purposes regardless of the position taken by the recording artists. Nathan Bass, attorney for Whiteman, defended the decision of the Federal court contending that an artist should have the same right as a composer in restricting the use of his creations.

Frisco Producers Seek Unions' Help

SAN FRANCISCO, June 17.—Radio and dramatic actors here are starting action to remove the restrictions which they claim make play production here unprofitable. Victor Paulsen heads an A.F.R.A. committee seeking to negotiate with the stagehands and musicians unions, to discuss concessions to local stock companies.

Paulsen charges both unions with attempting to force amateur theatrical groups to hire stagehands and musicians. He also pointed out that the scale for both unions is higher here than in New York.

Ask Mexico Stations Be Free of Taxation

MEXICO CITY, June 17.—Mexico should exempt radio stations from all taxes because they are "important vehicles of culture," the Ministry of Communications and Public Works has been urged by various chambers of commerce.

The petitioners argue that as several countries have freed radio stations of taxes, Mexico should do the same.

Film Players in Stock

A legitimate play season of 10 weeks with a number of film players in leading roles has been announced for the Chapel Playhouse at Guilford, Conn. Pauline Lord will play the lead in "The Late Christopher Bean" on July 1. Others scheduled to appear during the season include Lili Damita, Ruth Chatterton, Gloria Stuart, Frankie Thomas, Ann Corio, Laurette Taylor, Constance Collier, Tonio Selwart, John Beal and Beverly Roberts.

Off the Antenna

The President Speaks: When President Roosevelt made his "stab-in-the-back" speech, he spoke to the largest audience ever to hear a radio speech, according to a survey made by Cooperative Analysis of Broadcasting. A total of 45.5 per cent of all radio sets in the country were tuned to hear him. The largest previous rating for a presidential address was at the Jackson Day dinner in 1936 when Roosevelt registered 32.6 per cent.

Previously, the high point for radio speeches was the address of King Edward VIII when he abdicated. The King's address came close to the 45.5 shown by the President, but other public figures rarely achieve such audiences. Among this nation's personages, a rating of 23 is tops. Chancellor Hitler's speech last September and Prime Minister Chamberlain's talk in January both rated 16.3.

Time factors played an important part in Roosevelt's rating during his University of Virginia speech. Interest was greatest in the East, was somewhat less in the Midwest, and lowest in the South and Far West. A. W. Lehman, C.A.B. manager, pointed out that the ratings cover the United States only and do not reflect the undoubtedly large audiences in Europe and Latin America.

Programs: CBS will broadcast the Lewisohn Stadium concerts for the sixth consecutive season, starting July 2, on Tuesdays. . . . Raymond Gram Swing, Mutual commentator with one of the largest ratings, now has a Latin American audience through the short wave facilities of WRUL. . . . P.M. will sponsor a news analysis program by Stanley High on Mondays through Saturdays over WABC. High will be heard immediately after the baseball game and will continue until the next quarter hour station break. . . . A novel program on correct speech with hints on various types of speech making will start over WBNX on Thursday, June 27, with Maurice C. Dreicer conducting "Speech Master." . . . Philip Morris will add 27 stations to the present 36-station CBS hookup for "Musical Game" on June 23.

WNEW Honored: In appreciation of the outstanding work done by WNEW for the cause of Americanism, the American Legion will present a plaque to the station at a meeting of the New York County section Monday night. WNEW is the first commercial organization to receive the award.

War News Oddity: Liberty Magazine, sponsor of Gabriel Heatter, Mutual war news commentator on Thursdays and Saturdays, decided over the weekend to add eight additional stations to carry Heatter's talks. In Detroit, however, Mutual's outlet is CKLW which also operates in Windsor and is owned by Canadian interests. Because of the war censorship, CKLW will be unable to carry the talks, and WXYZ, Detroit, a non-Mutual station, has been signed as a substitute.

Press and Radio: NBC scored an important news beat Sunday when Paul Archinard scooped all other news services by about 10 minutes with the first flash of the fall of the French cabinet. It was CBS, however, which got most of the credit in the newspapers. The latter network turned its channels from France over to United Press, and newspapers carrying the UP wire service gave full credit to CBS. It was considered an outstanding example of co-operation between press and radio.

About 30 engineers, production men and others engaged in NBC television activities were re-assigned to regular broadcasting duties over the weekend. The network denied that there were plans afoot to curtail telecasting and stated that the move was in line with general reshuffling of the staff during Summer months.

Bob Hope Detroit Smash at \$48,000

DETROIT, June 17.—A record smashing \$48,000 was registered at the Michigan by Bob Hope in conjunction with the world premiere of "The Ghost Breakers." Other business was off.

Estimated takings for the week ending June 13:

"Lillian Russell" (20th-Fox)
"Passport to Alcatraz" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,600. (Average, \$5,000)
"My Son, My Son" (U.A.)
"20 Mule Team" (M-G-M)
FISHER—(2,700) (15c-40c) 7 days. Gross: \$5,000. (Average, \$6,000)
"Four Sons" (20th-Fox)
"La Conga Nights" (Univ.)
FOX—(5,000) (20c-55c) 7 days. Gross: \$14,000. (Average, \$15,000)
"The Ghost Breakers" (Para.)
MICHIGAN—(4,000) (15c-65c) 7 days. Bob Hope on stage. Gross: \$48,000. (Average, \$12,000)
"Torrid Zone" (W.B.)
"Waterloo Bridge" (M-G-M)
PALMS—(2,000) (15c-55c) 7 days. Gross: \$6,000. (Average, \$7,000)
"Edison the Man" (M-G-M)
"It All Came True" (W.B.)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: \$7,500. (Average, \$10,000)

Promote Managers In North Carolina

CHARLOTTE, N. C., June 17.—Herbert F. Kinsey, general manager of North Carolina Theatres, Inc., has promoted three managers. Emil Bernstecker, former manager of the Carolina and city manager here, has been named district manager of the eastern theatres. Neil McGill, Imperial manager, has replaced Bernstecker at the Carolina. Sanford Jordon, Broadway manager, is now city manager in Lexington, N. C.

Dewanner Stallings, Lenoir city manager, has taken over the Imperial here, and Clyde Wooten of Danville, Va., is manager of the Broadway here. Roy L. Smart, former district manager, is handling buying and booking, and Harry Harding, booker, is now district manager.

Week's Run for 'Wife'

RKO theatres in the Metropolitan district have booked "My Favorite Wife" for a week's run, the film opening in the New York City houses on July 4, and in Brooklyn the following week.

'21 Days' and Tucker Loop Top, \$25,000

CHICAGO, June 17.—Grosses were generally off here, with "21 Days Together" drawing \$25,000 at the Oriental, aided by Sophie Tucker on the stage.

Estimated takings for the week ending June 14:

"Lillian Russell" (20th-Fox)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: \$4,000. (Average, \$6,500)
"My Son, My Son" (U. A.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Carmen Miranda. Gross: \$28,000 (Average, \$32,000)
"Edison the Man" (M-G-M)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$3,500. (Average, \$5,000)
"21 Days Together" (Col.)
ORIENTAL—(3,200) (35c-55c-75c), 7 days. Stage: Sophie Tucker. Gross: \$25,000 (Average, \$13,000)
"Typhoon" (Para.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days, 2nd week. Gross: \$4,000. (Average, \$11,000)
"Dr. Kildare's Strange Case" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Louis Armstrong & Band. Gross: \$15,000. (Average, \$15,000)
"Waterloo Bridge" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: \$9,500. (Average, \$14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-1.10-1.50) 7 days 20th week. Gross: \$7,500.

CBC Shifts 2 Men To Ottawa Station

TORONTO, June 17.—In a shakeup of personnel, the Canadian Broadcasting Corp. has transferred Stephen Dale and Allen Baker of Station CBL and CBY, Toronto, to Station CBO at Ottawa where they replace Allen McFee, who has been moved to CBL, Toronto, and M. Valiquett who goes to CBF, Montreal.

CBC has completed the construction of a new transmitter at Maricville for Station CBM to improve the service to the Eastern townships, the formal opening taking place this week.

NAB Meet Friday

ROCHESTER, June 17.—Thirty members of the New York State District National Association of Broadcasters are expected at a district conference here next Friday and Saturday. A sales managers' meeting is set for Friday, with the main session the next day. Election of a new district director is scheduled together with a study of the N. A. B. code, neutrality in the war, defense measures, labor and legislative problems.

French Release Set

In addition to "Schpountz" and "Heritage," French Cinema Centre Inc., will distribute 10 French films which Andre R. Heymann, president of the company, acquired. The pictures are: "Jofroi," "La Fille de Put satier," "Marius," "Cesar," "Topaze," "Le Grand Jeu," "La Femme Ideale," "L'Homme du Niger," "Francois I," "Le Chaland Qui Passe," and two shorts, "L'Orient Qui Vient" and "La Grande Inconnue."

W. B. Army Shorts

HOLLYWOOD, June 17.—Warners has started producing two-reel color shorts on Army life, in coordination with Major William A. Wright, chief of recruiting for the United States Army.

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VOL. 4, NO. 120

NEW YORK, U. S. A., WEDNESDAY, JUNE 19, 1940

TEN CENTS

Studios Face Tieup Over Office Strike

Casting Employes Want Union Recognition

HOLLYWOOD, June 18.—Hollywood was threatened tonight with a complete tieup of production because of a strike of office employees of the Central Casting Corp. Strike leaders asserted that if the studios continue to make direct calls for extras, the lots will be picketed and thus A. F. of L. workers would be prevented from reporting at the studios.

Presaging a possible wholesale picketing of studios, Central Casting strikers this afternoon began picketing the Paramount gate, giving as their reason that the studio had placed extra calls directly.

Meanwhile efforts to settle the dispute started late today when J. W. Buzzell, vice-chairman of the A.F.L. studio unions, and Joseph Touhy, business representative for the studio drivers, met with E. J. Mannix of I-G-M, on behalf of the studios, for an hour and a half.

No production tieup occurred at

(Continued on page 5)

Fear Shutdown of English Theatres

With the European war presumably turning in the direction of England following the capitulation of France, foreign department officials yesterday were resigned to the possibility of a complete shutdown of theatres in that country in the near future.

It was assumed, as well, that all film production in England would be halted immediately if the warfare is transferred across the Channel.

Most companies reported that their French headquarters would remain at Bordeaux for the time being.

Realistic 'Typhoon'

Fairbury, Neb., June 18.—When Ted Kempkes played "Typhoon" in the Bonham, he had no idea he would have to credit the elements for an exploitation assist. With about 250 patrons in the theatre, a sudden rain, driven by a 60-mile gale struck the house. The roof was ripped off, the screen damaged, and the stage flooded.

Trade to Undergo Radical Changes, Says Abram Myers

CHICAGO, June 18.—Industry organization and practices are due to undergo radical changes, Abram F. Myers, chairman

of the board and general counsel of Allied States, declared today in his annual convention message on the eve of Allied's 11th annual meeting which will open at the Morrison Hotel here tomorrow.

Myers said that every exhibitor knows that the industry is now in a state of chaos. The adjustment of major trade issues by arbitration, he said, which was "a shadow" at the Minneapolis convention last year, is now imminent.

Myers' message reviewed the history of Allied, which, he said, is recognized today as the spokesman for the independents. Exhibitors must first know what they face, and delegates attending the convention will have the benefit of an open forum to discuss local conditions and problems facing them.

Among sales executives scheduled

(Continued on page 6)



Abram Myers

ODLUM IN FAVOR OF DIVORCEMENT

No Shortage Of Films Seen By Freeman

No product shortage even of sufficient proportions to restrict double featuring is foreseen for the new season by Y. Frank Freeman, Paramount vice-president and studio head and president of the Association of M. P. Producers, who is in New York for home office conferences.

Commenting yesterday on reports that some major studios might curtail their announced production schedules during the coming season, with a possible product shortage resulting, Freeman said that indications now



Frank Freeman

(Continued on page 5)

President of Atlas Corp. Sees Greater Profits In Separation

Floyd B. Odlum, president of Atlas Corp., which is one of the principal owners of RKO, declared yesterday that he favors the separation of the production and distribution branches of the industry from exhibition. If the industry as a whole and not one company adopted divorcement, the film business would prove more profitable, Odlum said.

The statement was made by Odlum in an interview held after a hearing before Federal Judge William Bondy on final applications for allowances in RKO reorganization proceedings. Odlum had told the court that Atlas had attempted to bring about divorcement of RKO production and theatre companies but had been blocked by other interests in the company.

Odlum stated that his opinion had nothing to do with the Government's anti-trust suit against the majors but had been formed long before the filing of that suit while he was engaged in reorganizing RKO.

The production and distribution branches of the industry are separate and distinct from exhibition and have different problems of management, Odlum continued. Where one company is engaged simultaneously in the three branches, the interests of one branch will always dominate that of the others, he said.

With divorcement there would be no question of pictures selling on anything but their individual merit, he added. This would follow because a producing company would be interested only in the highest terms for its pictures, while a theatre company would be interested only in the finest pictures on the best available terms.

Cut Allowances to \$600,000: RKO

Thomas K. Finletter, special attorney for RKO, at a hearing yesterday on RKO reorganization allowances before Federal Judge William O. Bondy, asked that the claimants' requests be reduced from \$2,046,000 to \$600,000, as the company could not afford to pay more than this amount.

Finletter took sharp issue with Floyd B. Odlum, president of Atlas

(Continued on page 6)

Paramount Earnings Rise; Studio Is Now in the Black

Paramount's cash position has risen to \$20,000,000, its studio is in the black, and the company probably will show net earnings of \$1,600,000 for the second quarter of this year, ending June 30, Barney Balaban, president, told the company's stockholders at their annual meeting yesterday at the home office.

Today, Balaban and Y. Frank Freeman, studio chief, will be host to the press at the Hotel Astor, and at which Balaban and



Barney Balaban

Freeman will discuss company policy and its program.

The estimated figure is equivalent to the first quarter earnings of \$1,605,000, indicating a net of \$3,200,000 for the first half of this year, including the parent company's net interest in the undistributed earnings of non-consolidated subsidiaries.

This estimate is almost double the \$830,000 earnings for the second quarter last year, and the indicated earnings for the first half compare with profit of \$2,130,000 a year ago.

The 16 members of the Paramount board of directors were reelected for another year by the unanimous vote of the stock represented at yesterday's meeting. There were 4,332,000 shares, or 74.2 per cent of the total, voted at the meeting, of which 13,340 shares were represented by own-

(Continued on page 5)

Randforce, Skouras Close Deal With 306

New wage scale agreements with the Randforce and Skouras circuits involving 81 theatres in New York City were approved at a special membership meeting of Operators' Local 306 yesterday. The agreement provides for a six-year settlement of wage scales under the present 10-year agreement. A five per cent increase is retroactive to September, 1939, for two years, with a similar increase set on September, 1941, and a third five per cent increase on September, 1943, to run to 1945. Two weeks' vacation with pay was also granted.

Referred to the union's executive board for further study was a proposal to admit to membership Empire State projectionists now employed in 11 theatres in the Cocalis circuit which RKO is negotiating to acquire. It is expected that the question will be settled at a membership meeting today.

B & K Contempt Case Put Off Indefinitely

CHICAGO, June 18.—Special Master Edgar Eldredge yesterday continued indefinitely the Paramount-Balaban & Katz Federal contempt case, at the request of attorneys.

The case had been scheduled to come up yesterday for hearing on the exceptions recently filed.

Louis Brecka Dies

CHICAGO, June 18.—Louis Brecka, operator of four theatres here, died today. He was an exhibitor 30 years.

Personal Mention

WILLIAM A. SCULLY, Universal general sales manager, and F. J. A. MCCARTHY, Eastern sales manager, left for Memphis last night to confer with M. A. LIGHTMAN. SCULLY will go on to Chicago while MCCARTHY will return East.

THOMAS J. WALKER, of Butte, Mont., brother of FRANK C. WALKER, has been appointed a judge of the U. S. Customs Court. He will move to New York.

L. J. SCHLAIFER, ARTHUR KELLY, HARRY BUCKLEY, NATE SPINGOLD, IRVING LESSER and JACK COHN at Lindy's (51st St.) yesterday for lunch.

JOHN A. DOWNING, RKO home office representative, has been appointed office manager in Boston, where ROSS CROPPER is manager.

FRANCIS DEERING, manager of Loew's State, Houston, is visiting here.

LARRY STEIN, Warner Theatres publicity head in Chicago, is the father of a girl born to MRS. STEIN early this week.

OSCAR DOOB, GENE MURPHY, JEFFREY BERNERD, JOSEPH MOSKOWITZ, MAURICE BERGMAN, ARTHUR LEE, HARRY THOMAS, FRANK ZUCKER, HANK LINET and JOSEPH MALCOLM lunching at the Tavern yesterday.

JOHN J. JONES of the Jones, Linick & Schaefer Circuit, Chicago, is en route here for conferences with GEORGE J. SCHAEFER, RKO president.

TOM CONNORS of M-G-M lunched yesterday at Nick's Hunting Room in the Astor with CHARLES E. KESSNICH, M-G-M Southern district manager, of Atlanta; LOUIS ROSENBAUM, KERMIT STENGEL and ROY AVEY. Others there were JOHN L. DAY, JR., SAM SHAIN, HARRY BRANDT, ED SAUNDERS, TED O'SHEA and MAX A. COHEN.

HARRY ROTH, city manager of Roth-Pitts Theatres, Suffolk, Va., was married late last week to SYLVIA KAMSKY in Richmond. They are now in Florida.

MR. and MRS. SAM GORDON celebrated their 32nd wedding anniversary this week. He is manager of the Venus and Ponton Theatres, Richmond.

RICHARD SEMLER of the Fox Theatre, Detroit, is here visiting the Fair.

ARTHUR COOPER of the Prince Edward Theatre, Prince Edward Island, is in town.

SAM DEMBOW, JR., LEONARD GOLDENSON, CHARLES M. REAGAN, ARTHUR KRIM, JACOB WILK and MARTIN BECK lunching at Sardi's yesterday.

EDWARD FEENEY is managing the Luzerne, Luzerne Pa., taking the place of his brother, JOHN, killed recently in an auto accident.

HADLEY HULL is the new assistant to G. C. CRADDOCK, Universal exchange manager in Indianapolis.

W. HAROLD WILSON, of the Golden State Theatre Circuit, San Francisco, is a World's Fair visitor.

MARY PICKFORD has been named to the board of directors of the National Tobacco Festival at South Boston, Va.

CHARLES McDONALD, in charge of the motion picture department of the United States Forest Service, is in New York.

ROBERT HAMILTON, manager of the Warner Palace, Norwich, Conn., is recuperating from an appendicitis operation.

R. W. HUFFMAN, city manager for J. H. Cooper-Paramount theatres in Lincoln, will leave late this month for a vacation in Pueblo, Col.

WALTER DYNAN, accountant in the Comerford home office at Scranton, Pa., has taken a Summer cottage at Lake, Winola, Pa.

ILINE FLEISCHMANN, daughter of the late GILBERT FLEISCHMANN, who was booker for 20th Century-Fox in Philadelphia, has joined the Republic exchange in that city.

HELEN TENDLER of the 20th Century-Fox New Haven exchange, leaves the end of the month for a two-week vacation.

Newsreel

Parade

Clips concerning the French surrender are prominent in the new issues. The contents follow:

MOVIE TONE NEWS, No. 81—France sues for peace. King George and Churchill in England. Roosevelt at army camp. Red Cross ship leaves for Europe. Army planes returned to factories. Planes towed over Canadian border. Launch battleship in Brooklyn. Airplane production speeded. New synthetic rubber is made. Steeplechase race on Long Island. Jack Dempsey boxes with Arturo Godoy. Medwick to the Dodgers. Lew Lehr.

NEWS OF THE DAY, No. 279—France asks peace, Britain continues fight. New battleship launched here. Senator discusses defense. Synthetic rubber produced. Mrs. Roosevelt with Red Cross workers. Dempsey boxes Godoy. Steeplechase race.

PARAMOUNT NEWS, No. 84—New battleship in Brooklyn. Army air training school doubles size. College students in air training. Roosevelt at 4-H camp. King George at arms factory. Mass tank production in England. Planes towed over Canadian border. Battle films for training new pilots in England. Crowds at beaches. Jimmy Durante included.

RKO PATHE NEWS, No. 96—New battleship launched. Roosevelt at 4-H club. New aviation plant in New Jersey. Synthetic rubber process demonstrated. Pittman speaks on defense. British troops rest after battle. Election in Mexico. "Mercy Ship" sails to Europe. Dedicate airport in South Carolina. Tennis match.

UNIVERSAL NEWSREEL, No. 885—France asks for peace. Battleship launched in Brooklyn. New airplane factory in Paterson. Synthetic rubber produced. Army releases planes for Allies. Air battle in France. Red Cross ship off for Europe. Flag Day observed. Godoy spars with Dempsey. Steeplechase race on Long Island.

Theatre Seeks Writ To Prevent Closing

Suit to restrain the revocation of a theatre license was filed yesterday in the N. Y. Supreme Court by Quinral, Inc., operator of the Empire Theatre in Brooklyn, against Paul Moss, N. Y. City Commissioner of Licenses. Revocation is threatened, the complaint states, on the charges that Quinral permitted unescorted children to attend the theatre and to sit in the balcony of the house.

Warner Club Mariners

The Warner Club today will hold its annual boat ride, with the destination "a secret." A round of entertainment is planned. Ralph W. Budd is in charge of arrangements.

CALIFORNIA TEXAS ★ ARIZONA

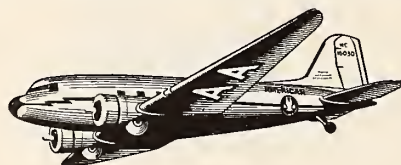
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CONVENIENT DEPARTURES

The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS



MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Lover, Come Back To Me!
(Marianne)

Music by
SIGMUND ROMBERG

Words by
OSCAR HAMMERSTEIN II
Marcia

Stout Hearted Men
(Tri-Color Coquade and Robert)

SIGMUND ROMBERG

Words by
OSCAR HAMMERSTEIN II
Moderato

Piano

Ukulele

G.C.B.A.

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Marionette

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"NEW MOON"

with Mary BOLAND • George ZUCCO
H. B. WARNER • Grant MITCHELL
Based on "NEW MOON"
the Musical Operetta

Book and Lyrics by
OSCAR HAMMERSTEIN 2nd,
FRANK MANDEL and
LAURENCE SCHWAB

Music by **SIGMUND ROMBERG**

Screen Play by
Jacques DEVAL and Robert ARTHUR

Produced and Directed by
ROBERT Z. LEONARD
An M-G-M Picture

Softly, As In A Morning Sunrise
(Phillip)
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Wanting You
Duet
(Marianne and Robert)

Words by OSCAR HAMMERSTEIN II
Valse moderato
Piano

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ONE KISS

(Marianne and Girls)

Words by
OSCAR HAMMERSTEIN II

SIGMUND ROMBERG

Allegretto grazioso

Keough Calls Tax 'Fairer' To Circuits

The Senate's new admission tax bill, calling for a levy on admissions beginning at 10 cents, was described as "fairer" to first run and circuit theatres of the type in which Paramount is interested than the House bill providing for a lowering of the tax ceiling from 40 cents to 30 cents, by Austin C. Keough, Paramount vice-president, at the company's annual meeting of stockholders yesterday.

Replying to a stockholder's questions concerning the tax bill, Keough pointed out that the Senate bill would affect all theatres equitably, whereas the House measure would tax only the advance run theatres.

Keough said the effect of the tax on admission policies would be decided by local circuit operators for Paramount, and that no action could be taken until the final tax bill was enacted.

Freeman Sees No Shortage of Films

(Continued from page 1)

are that these reductions would not be of major proportion and would present no serious problems for theatres if the quality of the product which is completed is improved or maintained at normal level.

Freeman said that the studios do not consider the question of the rescinding of last November's 15 per cent wage increase to studio workers to be a dead issue. He said the negotiations had been suspended because actual foreign market losses and their effect on operations have been and still are in too great a state of flux to permit an accurate presentation of current conditions.

He declined to predict what course the producers would follow in reviving the negotiations with the studio unions but said that no further action would be taken until reliable figures are available.

Freeman plans to leave for the Coast tomorrow or Friday.

Ex-Actor Entertains Para. Stockholders

Paramount stockholders were diverted during a lull in the annual meeting yesterday by an impromptu entertainment by an elderly ex-actor, a stockholder who has attended every annual meeting for the past five years, contributing something vocal to each.

Without waiting for the approval of Barney Balaban, presiding, the former actor launched into one of his old routines; then offered a Creole love song and was warming up for "Gunga Din" when Balaban, looking rather desperate, made a diplomatic interception.

U. S. SUIT DECREE ATTITUDE WINS PRAISE OF BALABAN

Asserting that the discussions of an out-of-court settlement of the Government's New York anti-trust suit have started with "a very helpful and fair attitude on both sides," Barney Balaban, Paramount president, in his annual report to stockholders yesterday, asserted: "At this, of all times, this industry should be free of the great expense and distraction involved in the litigation, but the fundamental rights and practical necessities cannot be sacrificed."

He said that at this point it is impossible to predict the outcome of the settlement negotiations.

Referring to the recent House committee hearings on the Neely bill, Balaban's report states: "We believe that for the first time the utter impracticability of this legislation to produce any good results, no matter how desirable, was fully demonstrated."

Paramount Earnings Rise; Studio Is Now in the Black

(Continued from page 1)

ers in attendance. The board will meet July 1 to reelect the present slate of officers.

The meeting was one of the shortest and least eventful of any annual meeting since the company's emergence from reorganization in 1935. It lasted only 45 minutes and was marked by an absence of either critical or querulous questioning of company officers. The annual report of Barney Balaban, president, who presided at the meeting, was the highlight of the session.

Balaban's report revealed that Paramount has approximately \$20,000,000 cash on hand, of which \$11,500,000 is in the parent company and consolidated subsidiaries and \$8,500,000 is in non-consolidated subsidiaries.

Assets Over \$30,000,000

The report stated that Paramount's current and working assets in the United States are in excess of \$30,000,000, which is approximately equal to all of the company's current liabilities, mortgages and funded debt, regardless of when due. All but \$800,000 of the consolidated companies' 1940 maturities have been paid already, it was stated.

Balaban reported that domestic theatre business "is slightly in excess" of that of the same period last year and that indications point to a further increase. In response to a question, he said that Paramount will receive approximately \$1,060,000 in dividends from Balaban & Katz this year, and that his personal service contract with that company has another two years to run. Balaban was "loaned" to Paramount by B. & K. in 1936.

His report stated that new theatre properties "are added whenever the protection of our business or its normal and natural development warrant."

Compliments Freeman

Replying to a stockholder's question, Balaban said that the production company is "now in the black," although he disclosed no figures. His report complimented Y. Frank Freeman, vice-president and studio head, who came to New York from the Coast to attend the meeting, and the studio workers "on the gains they

have accomplished under the most trying conditions."

Reporting on the foreign situation as it affects Paramount, Balaban pointed out that the company's traditional policy of allocating only 15 per cent of negative cost against the foreign market, together with retrenchments begun in 1937 and its program of debt retirement, have placed Paramount in a good position to withstand losses of foreign revenue. He said that although 30 per cent of the company's gross world film rentals has come from foreign markets, in 1939 this comprised only 10 per cent of Paramount's entire gross income from film and theatre operations.

Gross Business Shows Gain

"Therefore," his report stated, "a small improvement in our business in the United States could offset any major additional declines in foreign revenue."

Pointing out that the Latin American market provides only three per cent of Paramount's total film gross and one per cent of the company's combined film and theatre gross, it was much more sound to look for new business to offset foreign losses in the United States than in Latin America.

He said that Paramount's gross business is showing a gain over last year and that the net gain is comparatively "much more."

Tells of Foreign Loss

In the five months following the outbreak of war last September, Paramount experienced a 35 per cent drop in gross foreign revenue as compared with the same period of the preceding year. Since February and to date, the decline has been reduced to 20 per cent less than for the corresponding period a year ago. In that time, moreover, all of Europe except England has been dropped out of reports of Paramount's consolidated operations, Balaban said, and the effect of the losses has been reported and reflected in current operations.

He reported that debts of between £600,000 and £700,000 of British subsidiaries are being reduced or retired with the company's blocked English currencies. As a result, Balaban said, "a temporary suspension of British operations or of the flow of cash from England to the United States will not materially affect us."

Studios Face Tieup Over Office Strike

(Continued from page 1)

Paramount, however, as most of the workers were in the studio before the pickets were posted.

Studio drivers and other crafts had orders not to go through the Paramount picket line. Screen Actors Guild told extras to take jobs at all studios including Paramount.

Two important meetings on the strike are scheduled for tomorrow. One is a meeting of A.F.L. business representatives, and the other is between producers and union spokesmen.

Forty-seven of the 50 CCC office employees are on strike. These are members of the Office Employees local 20978, of the A. F. of L.

On Monday night the A. F. of L. Labor Council Delegates including those from the Screen Actors Guild voted to back the office employees local.

The walkout occurred in protest to the refusal by Howard Philbrick, manager of Central Casting, to bargain with the local on union recognition, minimum salaries and other conditions. The strike was so unexpected that everyone was caught unprepared.

The strike took place at the peak of the night's activities and studio casting officers had to call extras personally to fill the sets for today.

Aid of the Labor Council to the strikers was given through the efforts of J. W. Buzzell, executive secretary. Buzzell was reelected to his post for the 16th year last night and defeated his opponent by a vote of three to one. The vote of the Council to aid the strikers was unanimous. Included among those voting were representatives of Screen Actors Guild, I.A.T.S.E., and all unions in the studio basic labor agreement.

Philbrick, upon advice of the producers and attorneys, told the union two weeks ago that no negotiations would be conducted with the local until it was certified by the N.L.R.B. as collective bargaining agency. The union repeated its demands last night and was refused again.

Although not a member of the local, Aubrey Blair, head casting director of Central Casting, walked out with the strikers. Blair is on a leave of absence from S.A.G.

Paramount Board Reduction Urged

A reduction in the number of Paramount directors was suggested by a stockholder at the company's annual meeting yesterday and it will receive consideration during the year.

The present board consists of 16 members. Barney Balaban, president, pointed out that a reduction in the number is up to the stockholders and should be proposed by them in advance of the meeting. However, he defended the present size of the board, pointing out that the larger number facilitates obtaining a quorum for meetings.

306 Writ Against Belmont Dismissed

Because certain formalities of the by-laws of the New York I.T.O.A., relating to membership in that organization, had not been fulfilled by Paradise Pictures Corp., operators of the Belmont Theatre, Justice Carroll G. Walter in N. Y. Supreme Court yesterday held that the I.T.O.A. employment contract with Operators' Local 306, executed in Jan., 1937, did not apply to Paradise, and dismissed the union's injunction suit against the theatre firm.

Benjamin Mandelker, Local 306 attorney, asserted in his trial brief that a victory for the defendant "would mean the destruction of the entire system of collective bargaining based on the 1937 contract."

The defense contended that it had never become an I.T.O.A. member despite the fact that a membership application had been signed, eight weeks dues paid and the I.T.O.A. minutes recognized Paradise as a member. Justice Walter ruled that the failure of Paradise to meet with a membership committee and sign a roster of membership was a violation of the by-laws and that Paradise never became a member. Justice Walter also ruled that the fact that the name of Paradise was omitted by I.T.O.A. from a list of members furnished to Local 306 was further evidence that Paradise never became a member.

Justice Walter vacated a temporary injunction obtained by the union in 1937. One of the principal points in dispute was the classification of the Belmont as a Broadway house with a higher wage scale. Emil K. Ellis represented Paradise.

Weston Surrenders On Federal Charge

ST. LOUIS, June 18.—Clyde A. Weston, chief lieutenant of John P. Nick, former head of the local operators union, has surrendered on a charge of violating the Federal anti-racketeering act and has been released under \$15,000 bond. Nick also is out under bond.

The contempt of court case against the St. Louis *Post-Dispatch* growing out of its cartoon and editorials on the dismissal of the Nick-Brady extortion cases will be heard on appeal by the Missouri Supreme Court Oct. 14.

Congratulations
and
Best Wishes to

**ALLIED STATES
ASSOCIATION
CONVENTION**

BERNIE MILLS
JACK BERKSON

Governor Pledges No New Ohio Taxes

Columbus, July 18.—Ohio exhibitors who feared an increase in the state admission tax, if not reinstatement of the previous 10 per cent impost, were relieved by the statement of Gov. John W. Bricker who, in reconvening the legislature last night for a special session, declared that the additional appropriation of \$1,400,000 for relief funds could be put through without additional taxes.

Cut Allowances to \$600,000: RKO

(Continued from page 1)

Corp. and sponsor of RKO's reorganization plan, regarding the Atlas request for a fee of 100,000 shares of RKO common stock and \$875,000 in expenses. Odlum's offer to accept the entire amount in stock was characterized by Finletter as "speculative in value."

Atlas is not entitled to its expenses as claimed because it had been mainly interested in "protecting its tremendous investment in RKO," Finletter said.

Judge Bondy reserved decision and allowed 10 days for briefs.

Finletter asserted that RKO, after paying \$600,000, would only have a cash reserve of \$77,000. RKO had lost between \$600,000 and \$700,000 in its consolidated cash position during 1938 and 1939, Finletter said.

Odlum attacked the arguments against allowing Atlas's claim as "unfair and incorrect in approach." He stated that the \$77,000 cash balance referred to by Finletter had been estimated only after a reserve of over \$1,000,000 had been set aside to pay dividends for the following year.

Atlas is asking for only its "out-of-pocket" expenses paid solely in the capacity of proponent of the plan, he stated. Hamilton C. Rickaby, attorney for Atlas, supplemented Odlum's defense of the application.

Carlos Israels, attorney for the unsecured creditors' committee, asserted that he had pared down his application to a minimum because of the financial status of RKO. A number of other attorneys vigorously defended their petitions.

In a closing statement, Martin Gale, S.E.C. attorney, told Judge Bondy that the S.E.C. estimate of RKO's financial position was "optimistic" because it had not taken fully into consideration the possible effect of the war.

'Wind' Ends First 6 Months at Astor

The first six months of the run of "Gone With the Wind" on a two-day policy at the Astor will end tonight with approximately 500,000 persons having seen the film during the period. Only four other pictures have had a six-month run at the Astor, "The Big Parade," "Ben Hur," "Broadway Melody of 1929" and "Goodbye, Mr. Chips." However, "Gone With the Wind" was played simultaneously at many other theatres in the city during the course of the six months. No closing date has been set.

Myers Sees Basic Industry Changes

(Continued from page 1)

to attend the Allied convention are William A. Scully, Universal general sales manager, and William J. Heineman, Western sales manager; and L. J. Schlaifer, vice-president and Western sales manager for U. A.

From New Jersey Allied are Lee Newbury, president, and Mrs. Newbury; Harry Lowenstein, secretary, and Mrs. Lowenstein, and Helen Hildinger, board member.

First business of the three-day convention will be meeting of the directors at which the program for the meeting will be discussed. The first general session will be in the afternoon, when committees will be appointed, officers will report and a general discussion will be held. The session is to be known as a "Film Buyers' Convention." The evening will be spent at the Colony Club.

Open forum discussions of industry problems will be held at the second and final business sessions on Thursday and Friday. A dinner-dance Friday evening will conclude the convention.

Name McEvoy Sales Manager for Select

E. L. McEvoy has been appointed vice-president and general sales manager of Select Attractions, Inc. An industry veteran, McEvoy most recently was Eastern sales manager for RKO.

Joseph Plunkett is in charge of production for the company, and Charles Kranz will handle general sales. George S. Jeffrey will be special representative and assistant to McEvoy, and Al O. Bondy will be special representative covering the Western territory. Within 60 days the company expects to open exchanges in key cities. "Leopard Men of Africa," Zeidman International film released by Select, will have its premiere at the RKO Boston shortly. At least nine other features are scheduled for release during the coming season.

Empire-Universal Convention Ended

TORONTO, June 18.—The concluding session of the sales conference of Empire-Universal Films at the Royal York Hotel, here yesterday, dealt with the program and policy of Republic for the new season, with J. R. Grainger, president, in attendance to outline plans. Presiding was A. W. Perry, general manager of the Canadian company.

For the final dinner, the special guest was Grainger. Others included Col. John A. Cooper, president of the Motion Picture Distributors of Canada, Vice-President J. J. Fitzgibbons of Famous Players Canadian, Jules Allen of Premier Theatres and A. A. Lee of New York.

Maurice Moscovitch Dies

HOLLYWOOD, June 18. — Maurice Moscovitch, 68, character actor, died here today in a hospital. An operation was performed last Thursday. He started his career on the Yiddish stage in Russia. He entered films in 1936, appearing in "Winterset," "Lancer Spy" and other films.

American Themes Stressed: Sears

CHICAGO, June 18.—Warners' feature program for the new season is based almost entirely on American themes, in view of the "almost complete" loss of the foreign market, Gradwell L. Sears, general sales manager, told the sales staff at the second day's session of the regional convention at the Blackstone Hotel here today.

"More than 90 per cent of next year's features will be based on varied but typical American background material," Sears said. Among the top budget films, he cited, "Santa Fe Trail," "Sea Hawk," "High Sierra," "They Died With Their Boots On," "Montana," "Calamity Jane" and "Sam Colt, Trigger Man." These films, Sears said, are in line with the company's policy of action pictures.

Delegates to the meeting today viewed "Sea Hawk." The meeting will end tomorrow with a cocktail party given by James Coston, Warner Theatres zone manager here, in honor of Sears. All members of Allied States, here for the opening of the annual convention tomorrow, have been invited.

Purchase Tax to Be Dropped in England

LONDON, June 18.—Officials of the Cinematograph Exhibitors Association and the Kinematograph Renters Society tomorrow will meet with Government tax officials, and are expected to be told of the abandonment of the purchase tax in its application to the industry.

However, it is understood they will be told the industry is expected to contribute a specified amount toward an increase of the national revenue. It is believed the authorities are convinced the purchase tax would decrease the total revenue to be derived from the industry.

The trade is understood to be ready to assure the Treasury Department of its willingness to share the burden, and to promise increased tax revenue if left to devise a plan of increased admissions.

The London Branch of the C. E. A. today agreed to establish the machinery to investigate the possibilities of adjustment of the present basis of film rentals in view of greatly decreased trade. The organization is proceeding with the plan to set up district film depots for use in case enemy bombing raids make deliveries impossible.

Levey in from Coast

Jules Levey, producer of "The Boys From Syracuse," arrived from the Coast yesterday to confer with Universal home office officials on sales and exploitation plans for the picture. Levey plans to leave soon on a tour of key cities where he will confer with exhibitors on bookings and campaigns.

RKO Stock on Exchange

RKO's new common and first preferred stock will be admitted to the New York Stock Exchange list and to dealings today. The old RKO common and debentures will be stricken from the Exchange list.

'Favorite' Is Frisco's High With \$21,000

SAN FRANCISCO, June 18.—"My Favorite Wife" soared to \$21,000 at the Golden Gate. "Lillian Russell" drew \$18,500 at the Fox. Other houses were below average.

Estimated takings for the week ending June 11-14:

"My Favorite Wife" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage, vaudeville. Gross: \$21,000. (Average, \$15,000)
"Sandy Is a Lady" (Univ.)
"La Conga Nights" (Univ.)
ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$6,200. (Average, \$8,000)
"Lillian Russell" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$18,500. (Average, \$16,000)
"Torrid Zone" (W. B.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$9,500. (Average, \$11,500)
"My Son, My Son" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: \$6,500. (Average, \$8,000)
"Edison the Man" (M-G-M)
"Girl in 313" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: \$5,700. (Average, \$6,000)
"Murder in the Air" (M-G-M)
"Susan and God" (W.B.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$10,500. (Average, \$12,000)
"Abe Lincoln in Illinois" (RKO)
CLAY—(400) (15c-35c-40c) 7 days. Gross: \$1,100. (Average, \$1,000)

'Torrid' at \$12,700 Cincinnati Winner

CINCINNATI, June 18. — "Torrid Zone" garnered \$12,700 at the RKO Palace, and "Susan and God" drew \$11,000 at the RKO Albee. The weather was unusually hot.

Estimated takings for the week ending June 13-15:

"Susan and God" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$11,000. (Average, \$12,000)
"Torrid Zone" (W. B.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$12,700. (Average, \$10,000)
"Waterloo Bridge" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: \$3,500. (Average, \$10,000)
"The Doctor Takes a Wife" (Col.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$4,200. (Average, \$6,500)
"My Favorite Wife" (RKO)
RKO LYRIC—(1,400) (25c-40c) 7 days, 4th week. Gross: \$3,200. (Average, \$5,000)
"The Man With Nine Lives" (Col.)
"Hi-Yo Silver" (Rep.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,200. (Average, \$1,500)
"Island of Doomed Men" (Col.)
"Opened By Mistake" (Para.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$800. (Average, \$900)
"Saturday's Children" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$3,600. (Average, \$6,000)

'Favorite Wife' Is Omaha Best, \$4,800

OMAHA, June 18. — "My Favorite Wife" in the second week, pulled \$4,800 at the Brandeis. Summer weather hurt grosses.

Estimated takings for the week ending June 13-14:

"My Favorite Wife" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: \$4,800. (Average, \$4,000)
"20 Mule Team" (M-G-M)
"Two Girls on Broadway" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: \$5,600. (Average, \$6,000)
"Saturday's Children" (W.B.)
"Tear Gas Squad" (W.B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,100. (Average, \$7,200)

De Mille Collection Now at Frisco Fair

SAN FRANCISCO, June 18.—An addition to the Fair on Treasure Island is Cecil B. De Mille's \$200,000 private collection of film souvenirs, historical pieces and miscellaneous curios, displayed in the Los Angeles Building. Included are working scripts of 64 DeMille films.

'Edison' Milwaukee Winner with \$9,800

MILWAUKEE, June 18.—Best in a slow week were "Edison, the Man" and "Forty Little Mothers," which grossed \$9,800 in eight days at Fox's Wisconsin. "If I Had My Way" and "The Dark Command" took \$6,800 at the Warner.

Estimated takings for the week ending June 11-13:

"Safari" (Para.)
"Those Were the Days" (Para.)
PALACE—(2,400) (25c-35c-50c) 5 days. Gross: \$3,100. (Average, \$4,000)
"Edison the Man" (M-G-M)
"Forty Little Mothers" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 8 days. Gross: \$9,800. (Average, \$5,500)
"If I Had My Way" (Univ.)
"The Dark Command" (Col.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$6,800. (Average, \$4,500)
"Ski Patrol" (Univ.)
RIVERSIDE—(2,700) (25c-30c-40c) 7 days. Stage, Patricia Ellis. Gross: \$5,600. (Average, \$6,500)
"Babies for Sale" (Col.)
"Exile Express" (G. N.)
"The Doctor Takes a Wife" (Col.)
STRAND—(1,400) (25c-35c-50c) 3-4 days, respectively. Gross: \$1,100. (Average, \$1,500)

New Haven Slumps; 'Edison' at \$2,300

NEW HAVEN, June 18.—Business was off here. Second week of "Edison, the Man" and "On Their Own" at the College took \$2,300. "Brother Orchid," dualled with "Murder in the Air" at the Roger Sherman, grossed \$4,500.

Estimated takings for the week ending June 13:

"Edison, the Man" (M-G-M)
"On Their Own" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: \$2,300. (Average, \$2,700)
"20-Mule Team" (M-G-M)
"A Bill of Divorcement" (RKO)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$5,000. (Average, \$8,000)
"Hell's Angels" (Astor)
"Ma! He's Making Eyes at Me" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$2,500. (Average, \$4,000)
"Brother Orchid" (W. B.)
"Murder in the Air" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$4,500. (Average, \$5,000)

'Waterloo' Garners \$8,000 in Montreal

MONTREAL, June 18. — "Waterloo Bridge" at Loew's took \$8,000. "Torrid Zone" collected \$6,500 at the Palace.

Estimated takings for the week ending June 14:

"Safari" (Para.)
"Opened By Mistake" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$5,300. (Average, \$8,000)
"Waterloo Bridge" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: \$8,000. (Average, \$8,000)
"The House Across the Bay" (U.A.)
"Heaven With a Barbed Wire Fence"
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: \$3,000. (Average, \$5,000)
"Torrid Zone" (W.B.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$6,500. (Average, \$10,000)
"An Angel from Texas" (W.B.)
"Tear Gas Squad" (W.B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$1,700. (Average, \$5,000)

LIFE

was dangerous...life was gay...
life was reckless...in the furthest
outposts of a drive
to new frontiers



"WAGONS WESTWARD"

Chester MORRIS • Anita LOUISE • Buck JONES • Ona MUNSON
GEORGE "Gabby" HAYES
"Big Boy" GUINN WILLIAMS
LEW LANDERS—DIRECTOR



'Susan' Gets Good \$7,200, Leads Seattle

SEATTLE, June 18. — "Susan and God" at the Paramount took \$7,200 and "The Doctor Takes a Wife" in its second week at the Liberty drew \$6,100. Warm weather held grosses down.

Estimated takings for the week ending June 14:

"My Favorite Wife" (RKO)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 5th week. Gross: \$3,300. (Average, \$4,000)
"Lillian Russell" (20th-Fox)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, 2nd week. Gross: \$6,400. (Average, \$7,000)
"The Doctor Takes a Wife" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days, 2nd week. Gross: \$6,100. (Average, \$5,000)
"20 Mule Team" (M-G-M)
"Opened By Mistake" (Para.)
MUSIC BOX (950) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,000. (Average, \$4,000)
"Two Girls on Broadway" (M-G-M)
"Florian" (M-G-M)
ORPHEUM—(2,450) (25c-40c) 7 days. Gross: \$4,800. (Average, \$6,000)
"Saturday's Children" (W. B.)
PALOMAR—(1,500) (25c-40c) 7 days. Vaudeville. Gross: \$4,800. (Average, \$5,000)
"Susan and God" (M-G-M)
"You Can't Fool Your Wife" (RKO)
PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$7,200. (Average, \$6,000)

'Safari' and Bowes \$14,700 in Buffalo

BUFFALO, June 18.—Best in another dull week here was "Safari," aided by Major Bowes revue at the Buffalo, with \$14,700. Third week of "My Favorite Wife" and "The Saint Takes Over" at the Twentieth Century drew \$5,900.

Estimated takings for the week ending June 16:

"Safari" (Para.)
BUFFALO—(3,489) (30c-35c-55c) 7 days. Major Bowes Sixth Anniversary Revue on stage. Gross: \$14,700. (Average, \$12,000)
"Brother Orchid" (W. B.)
"The Mad Empress" (W. B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$5,900. (Average, \$7,500)
"Those Were the Days" (Para.)
"Phantom Raiders" (M-G-M)
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$3,600. (Average, \$6,800)
"My Favorite Wife" (RKO)
"The Saint Takes Over" (RKO)
TWENTIETH CENTURY—(3,000) (25c-35c) 7 days, 3rd week. Gross: \$5,900. (Average, \$7,500)
"Sandy Is a Lady" (Univ.)
"Enemy Agent" (Univ.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$3,400. (Average, \$6,300)

Installs Conditioning

MADISON, Conn., June 18.—Leo Bonoff will install air conditioning in the 500-seat Madison here.

HENKEL, INC.

612 No. Michigan Avenue
Superior 5860 Chicago, Ill.

Designers, Architects, Engineers and Builders. A complete modernization service under one contract—one profit.

Now under construction—

Huntington Theatre
Huntington, Ind.
El Rancho Theatre
Culver, Ind.

Inquiries solicited.

Critics' Quotes . . .

EDISON, THE MAN" (M-G-M)

Sacrifices its predecessor's diverting approach to achieve a dignified and generally interesting tribute to the Wizard of Menlo Park. . . . The star holds an episodic script together by the persuasion and restraint of his performance.—*Newsweek*.

In this second half of M-G-M's double-barreled dramatized biography, lies the heart and soul of this singularly effective story. . . . Simplicity and understanding have been woven into the material by the authors.—*Philadelphia Inquirer*.

A warmly human film document . . . not only a worthy film tribute to the scientist's memory but a very entertaining movie.—*Philadelphia Record*.

We leave the theatre feeling that we know him more intimately. We sympathize with him in his struggles and rejoice with him in his triumphs. . . . Clarence Brown's direction is superb and fine support is given.—*Dorothy Guinan, Philadelphia Daily News*.

Film biography at its best. . . . Compared to its predecessor, the sequel is advanced, adult screen fare that seems to have grown up in its distinction along with its central character.—*Gerard Ganghan, Philadelphia Ledger*.

As inspiring as "Young Tom Edison" was ordinary. . . . Innumerable incidents, some of which bring spontaneous applause, have been crammed into the biography.—*Laura Lee, Philadelphia Bulletin*.

One of the most interesting pictures I've seen. . . . It shows with dramatic thrills and a casual bit of comedy, the ups and downs of a simple man. . . . I don't remember when Spencer Tracy gave a better performance.—*Jimmy Starr, Los Angeles Herald Express*.

An infinitely better picture than "Young Tom Edison." . . . both instructive and entertaining.—*Louella O. Parsons, Los Angeles Examiner*.

Takes its place as one of the superior biographical motion pictures. It is presented with taste, intelligence and humanness . . . has high educational value, though it never sacrifices interest and entertainment.—*Edwin Schallert, Los Angeles Times*.

"LILLIAN RUSSELL" (20th Century-Fox)

You'll love every minute of "Lillian Russell." . . . Gay, exhilarating, dramatic and tuneful, it held the rapt and interested attention of a critical audience from reel one to the very last chapter.—*Louella O. Parsons, Los Angeles Examiner*.

Zanuck wins another bright and shining feather. . . . It's terrific entertainment. . . . Lillian Russell never had a failure in the theatre. The picture "Lillian Russell" is a cinch to carry on that tradition.—*Jimmy Starr, Los Angeles Herald Express*.

Falls short of all the high-flung prognostications. The story lacks fundamental vitality and strength. The abundance of colorful incidents is not strong enough. . . . It must be granted that Miss Faye quite surpasses herself in the sincerity of her work.—*Edwin Schallert, Los Angeles Times*.

Also on the credit side of the expensive ledger is the nostalgia fostered by the film's handsome re-creation of a gay era, its tuneful story of old favorites and a brief interlude with the verbal slapstick of Weber and Fields.—*Newsweek*.

"TYPHOON" (Paramount)

One of the best light adventure films ever filmed. The photography, which is in color, is outstanding and the direction by Louis King is quite, in Hollywood parlance, terrific.—*Lee Mortimer, New York Daily Mirror*.

Pictorially, "Typhoon" has sections of great beauty. . . . Dramatically, and from an entertainment standpoint, the Paramount's new picture is as fatuous and unrewarding as a film can be.—*Robert W. Dana, New York Herald Tribune*.

Bathed in as beautiful shower of color as the color process has ever produced. The story is an incredible bit of nonsense but the film's comedy touches are laughable enough to make one forget the war news for a while.—*Kate Cameron, New York Daily News*.

No more than an occasionally exciting film. . . . It is brightened somewhat by Lynn Overman.—*New York Times*.

"21 DAYS TOGETHER" (Columbia)

The show doesn't come off as entertainment. Its desultory exposition of a romance which threatens to be cut short by the lover's determination to give himself up for murder, is badly schemed and badly shot.—*Howard Barnes, New York Herald Tribune*.

The film is at its best during the tender love scenes. As a whole the support is very good.—*Wanda Hale, New York Daily News*.

Gets away to a slow start, dawdles through an hour and suddenly at the very end closes at the most exciting, suspenseful and most satisfactory finish you could possibly want . . . very excellent portrait of London.—*Lee Mortimer, New York Daily Mirror*.

A highly charged "meller," rigid throughout with suspense and nicely laced with much tender emotion. . . . Leslie Banks, Francis L. Sullivan and a company of excellent English actors give added distinction to the film.—*Bosley Crowther, New York Times*.

"THE BISCUIT EATER" (Paramount)

A fragile, heart-warming pastoral. . . . We heartily recommend that all those who have been clamoring for a change in the cinematic diet rally to the support of "The Biscuit Eater," for the reward will be rich indeed.—*New York Times*.

Has some of the rough charm that made "To the Victor" one of the outstanding pictures of 1938. . . . The production is unostentatious and the direction simple and to the point. . . . Animal-interest appeal is the picture's strongest point.—*Kate Cameron, New York Daily News*.

Short Subject Reviews

"Ozzie Nelson And Orchestra"

(Warners)
A "Melody Master," this, above the average musical, telling the trials and tribulations of band leading. Nelson handles the vocal assignment capably. In the story are a job seeker, insurance salesman and others, all reciting the dialogue in song form. The orchestra concludes the film with a swing version of "Easter Bonnet." Running time, 10 mins.

"Stranger Than Fiction, No. 77"

(Universal)
Five subjects in the order shown in this interesting short are: a street-car motorman with long finger nails; a lawn-mower and wheel chair contraption operated with a motor; a ball-playing dog; miniature wax figures and a restaurant completely covered with bottle caps. Running time, 9 mins.

"Going Places, No. 77"

(Universal)
With vacation time at hand, this pictorial visit to a Montana dude ranch might be taken as a suggestion. It is a pleasant short. Attired appropriately, the visitors ride the trail, camp out and witness a cattle roundup. Snow-capped mountains and a spacious valley are pictorially effective. Running time, 10 mins.

"Going Places, No. 78"

(Universal)
Curacao, Netherlands possession in the Caribbean, is explored while commentary reference is made to the conflict involving the island's mother country. Oil refining and shipping are pictured as the chief industries. Court proceedings, as indicative of the high standing of the natives, are shown. Running time, 9 mins.

"Swingin' in the Barn"

(Universal)
Vaudeville and radio "artists" and talent of the state fair variety appear in this well-paced musical. Fred Scott, formerly of outdoor action films; the King Sisters, and Vernon & Draper are the most popular of the performers. Other acts are Texas Jim Lewis and His Band, Lucille Walker, Maidie and Fay, Cousin Chester, Forrest & Towne and the Hill Billyettes. Running time, 19 mins.

"Our Constitution"

(Academie Films, Inc.)
In the light of current international conditions, this documentary is timely and of sufficient interest and educational value to assure favorable audience response. As written and directed by G. A. Durlam for Max Alexander, producer, the short traces the events preceding the Philadelphia convention at which the Constitution was presented by Washington, Madison, Jefferson and other Colonial leaders. Intermittent off-screen commentary aids the subject. Running time, 20 mins.

Showmanship Flashes . . .

Warners Set Book Tieup for 'Heaven'

An extensive tieup has been arranged between Warners and the Macmillan Co. to ballyhoo Warners' adaptation of the Rachel Field novel, "All This, and Heaven Too." A special motion picture edition of the book is being marketed by the publisher.

Baby Parade Used On 'Little Mothers'

CAMDEN, N. J., June 18.—A "Forty Little Mothers" baby parade, mothers wheeling their babies in perambulators for 40 prizes donated by local business men, was promoted by Arthur Kees, manager of the Savar Theatre, for the Eddie Cantor picture here.

Metro Dairy Tieup On 'Milky Way' Short

HOLLYWOOD, June 18.—M-G-M has instituted a tieup on a one-reel cartoon, "The Milky Way," with the National Dairy Council. Release of the picture has been timed with National Milk Month. Cooperative newspaper ads, milk bottle tops, window cards for grocery stores, streamers and other accessories are being used.

'Son' Serialization Precedes Picture

SAN FRANCISCO, June 18.—Opening of "My Son, My Son" at the United Artists was preceded by a 10-day serialization of the novel in the *Evening News*, a Scripps-Howard newspaper.

'Russell' \$4,000; St. Louis in Slump

ST. LOUIS, June 18.—For the third successive week, grosses were below normal. "Lillian Russell," dualed with "Typhoon," grossed \$4,000 in its third week, and "My Favorite Wife" took \$9,000 for its second week.

Estimated takings for the week ending June 13:

"My Favorite Wife" (RKO)
"The Saint Takes Over" (RKO)
AMBASSADOR—(3,018) (25c-40c-55c) 7 days, 2nd week. Gross: \$9,000. (Average, \$11,500)
"Buck Benny Rides Again" (Para.)
"The Biscuit Eater" (Para.)
FOX—(5,038) (25c-40c-55c) 7 days. Gross: \$8,500. (Average, \$11,000)
"20 Mule Team" (M-G-M)
"Dr. Kildare's Strange Case" (M-G-M)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$9,500. (Average, \$13,000)
"Lillian Russell" (20th-Fox)
"Typhoon" (Para.)
MISSOURI—(3,514) (25c-40c-55c) 7 days, 3rd week. Gross: \$4,000. (Average, \$4,000)
"Opened By Mistake"
"Hot Steel" (Univ.)
ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: \$2,500. (Average, \$2,600)

Harry Revel Indicted

Harry Revel of the songwriting team of Gordon & Revel has been indicted on a charge of obtaining a passport through false declarations, it was revealed yesterday when Federal Judge William Bondy ordered the unsealing of the indictment. Revel is charged with stating that he was born in the United States instead of his alleged place of birth, England.

Feature Reviews

"The Conquest of the Air"

(United Artists)

LONDON, May 30 (By Mail).—Conceived in 1937, this long awaited film of Alexander Korda has at last seen the light. Probably it does not closely resemble the offspring foreseen by its parent, for many hands have helped. It is none the less an interesting chronicle of an absorbing subject, a historical fresco of man's efforts to fly, traced from the early experiments of Icarus and Roger Bacon, to the Clipper and the modern bomber. Models, diagrams, studio sequences, newsreel clips and commentary make up the ultimate story.

Not every patron who plumps for Mickey Rooney and Gene Autry is likely to find Leonardo Da Vinci and the theory of wind pressure adequate entertainment, but in general as a documentary the film should stand the test on both sides of the Atlantic.

Many of the incidents tracing the history have been recreated in the studio. It is difficult none the less at times to tell where the newsreel's role ends and the director's begins. Even primitive planes are flown for the story. Laurence Olivier is among those who have individual roles, as the mincing but adventurous balloon pioneer Lunardi. The commentary neglects neither the humanitarian role of the plane as displayed in the American forest fire fighter, nor the destructive mission of the heavy bomber. Technical qualities are excellent.

The film is not scheduled for release in the United States.

Running time, 71 minutes. "G."*

AUBREY FLANAGAN

"Prairie Law"

(RKO)

HOLLYWOOD, June 18.—RKO's "Prairie Law" is another in the series of westerns starring George O'Brien, and carries the same brand as its predecessors in action content. Again appearing opposite the star is Virginia Vale. Others in the cast are Dick Hogan, J. Farrell MacDonald, Slim Whitaker, Cyrus W. Kendall, Paul Everton, Henry Hall, Monte Montague and Quen Ramsey.

The producer-director team of Bert Gilroy and David Howard collaborated on the picture, screenplay for which was written by Doris Schroeder and Arthur V. Jones. Bernard McConville wrote the story.

The story deals with an early day fight between cattlemen and homesteaders, the latter being goaded to combat by a crooked land dealer who virtually becomes the law through grafting politics. O'Brien, owner of a large ranch, brings the criminals to justice.

Running time, 60 minutes. "G."*

VANCE KING

*"G" denotes general classification.

St. Louis Theatres Start New Promotion

ST. LOUIS, June 18.—Roger Gibbons of Peoria, Ill., has originated a new promotion plan which has been inaugurated in local neighborhood houses.

Known as "Hollywood Premieres," it is patterned after Hollywood openings, with local talent used in a parade to the theatres, a stage show preceding the showing of the film. Merchants receive screen credit in return for contributions toward the expense of the stunt.

Plan 3 Yiddish Films

First of three new Yiddish films of the Cinema Service Corp. went before the cameras last week at the company's studios in Palisade, N. J. The pictures scheduled are "Eli, Eli," "Who Am I?" and "A Day Before the Wedding."

To Issue Theatre Guide

PHILADELPHIA, June 18.—Warner Theatres here will issue an amusement guide giveaway during Republican Convention week, to be distributed through the hotels and at convention hall.

'Waterloo' Is Philadelphia Best, \$18,000

PHILADELPHIA, June 18.—Practically all films were holdovers, with grosses holding up to seasonal averages. The week's best business was scored by "Waterloo Bridge," giving the Fox \$18,000, while "My Favorite Wife" continued strong at the Boyd with \$13,700 for the second week.

Estimated takings for the week ending June 12-14:

"Over the Moon" (U.A.)
ALDINE—(1,000) (32c-42c-57c-68c) 3 days, 2nd week. Gross: 1,600. (Average, \$8,000)
"Edison the Man" (M-G-M)
ARCADIA—(600) (32c-42c-57c) 7 days, 3rd run. Gross: \$2,400. (Average, \$2,600)
"My Favorite Wife" (RKO)
BOYD—(2,400) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$13,700. (Average, \$13,000)
"The Doctor Takes a Wife" (Col.)
CARMAN—(2,500) (26c-32c-42c) subsequent run, for 8 days, with vaudeville bill including the Andriani Brothers; Gil and Bernice Maisson; Val Setz; Benny Ross and Maxine Stone; and Helen Reynolds Girls. Gross: \$6,700. (Average, \$5,200)
"Torrid Zone" (W. B.)
EARLE—(4,000) (32c-42c-57c-68c) 6 days, 3rd week. Gross: \$7,500. (Average, \$14,000)
"Waterloo Bridge" (M-G-M)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: \$18,000. (Average, \$13,000)
"Irene" (RKO)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days, 2nd run, 2nd week. Gross: \$3,000. (Average, \$3,000)
"Typhoon" (Para.)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$3,100. (Average, \$4,500)
"Lillian Russell" (20th-Fox)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days, 2nd week. Gross: \$9,500. (Average, \$14,000)
"Star Dust" (20th-Fox)
STANTON—(1,700) (32c-42c-57c) 7 days. Gross: \$3,700. (Average, \$4,500)

Bernard Lewis Shifted

PHILADELPHIA, June 18.—Bernard Lewis, manager of Affiliated Circuit's Lorraine, has moved to the Frolic with the closing of the former house.

19
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"Mr. Boggs Steps Out"
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23 Television Stations Win FCC Approval

WASHINGTON, June 18.—Promulgation of new rules governing television stations intended to guard against monopoly in that field were officially announced today by the F.C.C.

The F.C.C. at the same time approved 23 applications for television stations and declared that it would consider immediately 19 additional applications, including four license extensions.

The new regulations provide that no station shall operate on more than one Group A channel, as a general rule, and that no person may directly or indirectly own, operate or control more than three channels in Group A, nor more than one station in any area. There are seven Group A channels which have been assigned for general telecasting to the public. Other channels are reserved for research and relay systems.

Three Stations for NBC

NBC received permission for the maximum of three stations, while Aileen B. DuMont Laboratories, Don Lee Broadcasting System and Hughes Tool Co. each received permission for two. Of the 23 applications tentatively approved, 18 stations will be authorized to give public program service in eight cities, as follows:

New York, NBC, CBS, Bamberger Broadcasting Service, DuMont; Chicago, NBC, Balaban & Katz, Zenith Radio Corp.; Los Angeles, Don Lee, Hughes Tool, Television Productions; Washington, NBC, DuMont; San Francisco, Don Lee, Hughes Tool; Philadelphia, Philco Radio & Television Corp., WCAU; Cincinnati, Crosley Corp.; Albany, General Electric Co.

Additionally, these seven stations were tentatively approved for laboratory research or training: RCA, Camden; Philo T. Farnsworth, Fort Wayne, Ind.; Purdue University, West Lafayette, Ind.; DuMont, Passaic, N. J.; and Iowa State University, Iowa City.

15 Other New Stations

Of the remaining 19 applications, which the FCC said it would consider immediately, 15 are new stations and four are those of existing stations. These 19 are located in Boston, Des Moines, Hartford, Iowa City, Kansas City, Los Angeles, Milwaukee, New York, Philadelphia, Sacramento, St. Paul, Springfield, Mass., and Manhattan, Kan.

No standard for television broadcasting has been set by the FCC and each station must operate on an experimental basis only. In its recent order, the FCC declared that it would grant commercial licenses when the industry was able to agree on the best standards for the new art. Subsequently, FCC Chairman James L. Fly said the FCC would reserve its rights on such agreement.

PM Bows In

First issue of *PM*, new daily afternoon tabloid newspaper, made its appearance yesterday afternoon. It has 32 pages. Ralph Ingersoll, formerly of *Time* and *Fortune*, is publisher.

Off the Antenna

"ESCAPE with WNEW." A new theme in radio institutional copy was struck by WNEW yesterday when it launched an advertising campaign with a full page ad on the back page of the *New York Times* pointing to a station policy of providing entertainment as opposed to "news endlessly repeated . . . speculated upon . . . imaginatively world-painted, analyzed or interpreted . . . dramatized."

The copy set forth that news will be announced as it is received but that newspapers should furnish most of the news and magazines should interpret it. The campaign will be continued in other metropolitan newspapers and the trade press with the copy "aimed" at the circulation of each paper used, and the "escape" theme stressed. The Biow Co. is handling the campaign which is purely institutional in character.

Purely Personal: Aileen Soares, religious editor in the NBC press department, will be married July 8 to Jack Milcs of the *World-Telegram*, until recently trade news editor for the same network. . . . Robert C. Mayo, formerly with WABC, has joined the WOR sales staff. . . . Bandleader Ted Lewis will make his first radio appearance since 1934 when he appears as guest on Wini Shaw's program over WMCA tomorrow at 4:30 P. M. . . . Frederic A. Willis, assistant to William Paley, CBS president, has resigned to join the Thompson Automatic Arms Corp. . . . Clay Morgan, assistant to the president at NBC, was named a chevalier of the French Legion of Honor yesterday. . . . Stella Unger will interview Horace Heidt over WEAJ at 1:45 this afternoon.

CBS filed an application with the FCC yesterday to remove its present WCBX international short wave transmitter from Wayne Township, N. J., to Long Island; to add another transmitter, and to operate both on an increased power of 50,000 watts. Permission is also sought for the erection of directional antennae which will increase the power on the beam 10 times. Six short wave channels will be used.

FM Activities: J. R. Poppele, WOR chief engineer, has been appointed chairman of a Radio Manufacturers Association committee on FM to determine the proper type of polarization of antenna systems. FM transmitters now use two types of polarization, horizontal and vertical, and there is a difference of opinion among engineers as to the most effective method. Others serving on the committee are W. M. Angus, General Electric; D. E. Hartnett, Hazeltine Service Corp.; R. M. Morris, NBC; and D. B. Smith, Philco.

Dick Dorrance, director of promotion for FM Broadcasters, Inc., yesterday announced the opening of a promotional office at 52 Vanderbilt Avenue.

Film Players on the Air: Elissa Landi will be guest on "Fifth Row Center" over Mutual at 8 P. M. Friday. . . . Garson Kanin, RKO director, and Roland Young will appear on "Kraft Music Hall" tomorrow night at 8 P. M. over NBC-Red. . . . Irene Dunne, Charles Winninger and Alan Jones will be heard on "Lux Radio Theatre" over CBS at 9 P. M. Monday. . . . Marie Wilson will be heard on the "Texaco Star Theatre" over CBS tonight, during the variety part of the show while Raymond Massey, Ruth Gordon and Margalo Gillmore will be heard during the dramatic half.

Program News: WOR yesterday announced the assumption of a United Press news period Mondays through Saturdays at 9:30 A. M., available for sponsorship. George Brooks will be the announcer. The U. P. period will be in addition to the Transradio Press periods now used. . . . Adelaide Hawley's "Woman's Page of the Air" will shift to 8:45 A. M. over WABC starting Monday, July 1. . . . WOV plans a series of broadcasts by music critics of metropolitan newspapers in which the critics discuss the ideal half-hour musical program. Pitts Sanborn, of the *World-Telegram*, has volunteered to start the programs. . . . Stack-Goble, agency for Lewis Howe which is now sponsoring two shows on behalf of Tums, has prepared three new programs, one of which will be used on behalf of Nature's Remedy. Either NBC or Mutual will be used, it was said. . . . Joseph Martinson, Inc., will sponsor the Friday programs of Lisa Sergio's "Column of the Air" over WQXR starting June 28.

NBC Athletic Association annual outing was held yesterday at the Seawane Country Club with about 300 in attendance. Events were highlighted by a golf tournament and other sports events, concluding with a dance in the evening.

Nolan Starts New Program on WABY

ALBANY, June 18.—Joe Nolan, sports authority, has started a new 15-minute sports commentary on WABY, Wednesday and Friday at 3:15 P. M. The "Prof-It" quiz program over the same station Monday nights will move outdoors to the Hawkins Stadium on June 28, preceding night ball games. Dot Denny, pianist and vocalist, has started a new sustaining show over WABY on Tuesday and Thursday at 3:15 P. M.

Bernbom, Welt to WGN

CHICAGO, June 18.—John Bernbom, for the past 16 years in the advertising department of the *Chicago Tribune*, has joined WGN's sales staff. Marvin Welt, local theatrical agent, has joined the talent bureau of the same station.

Phonovision Tonight

The first public demonstration of Phonovision, a coin motion picture machine, will be held at Jack Dempsey's Broadway restaurant this evening, beginning at 9 o'clock.

Broadcasters Get New Ascap Radio License

Ascap's new radio license agreement, scheduled to become effective next Jan. 1 for a five-year period, was sent out to broadcasters yesterday in its final form.

Basic terms of the contract are the same as reported in *MOTION PICTURE DAILY* of March 22. Rates are established for stations in each of four groups. Group one includes stations grossing less than \$50,000 per year. These will pay a \$12 annual sustaining fee plus three per cent of their gross after regular rate card discounts and deductions. There are approximately 350 stations in this classification and the new rates may result in reductions in payments to Ascap of as much as 50 per cent, it was stated by John G. Paine, chairman of the Ascap radio committee, which prepared the new contracts.

Rate Now Five Per Cent

All stations now pay Ascap a flat five per cent of their gross, without regard to classification.

The Group Two stations are those grossing between \$50,000 and \$150,000 annually. These will pay four per cent of their gross and will receive a 25 per cent reduction in their present sustaining fees, but are given an opportunity to recoup that fee. There are approximately 200 stations in this classification and their reductions will amount to about one-third, Paine said.

Group Three stations are those grossing in excess of \$150,000 annually. These will pay their present sustaining fees, but also with an opportunity of recouping them, and will continue to pay five per cent of their gross on all business other than networks.

Group Four rates apply to chains only, which are asked to pay seven and one-half per cent of their gross.

Grosses for purposes of classification will be based on 1939 figures, although the contracts will not become effective until 1941 and, Paine said, 1940 grosses will be higher than last year's.

Radio Industry To Discuss Ascap, BMI

A meeting of representatives of all interests in the radio industry to discuss the new Ascap contract and expansion plans for Broadcast Music, Inc., will be held at the Waldorf-Astoria on Friday. The executive boards of BMI, National Association of Broadcasters, Independent Radio Network Affiliates and a representative of National Independent Broadcasters will meet in a joint session.

Purchases of additional catalogues by BMI, hiring of new talent and other expansion plans will be considered. The BMI board met yesterday and will meet again tomorrow. Among those attending yesterday's meeting were Neville Miller, NAB president; Sidney Kaye, BMI counsel; M. E. Tompkins, BMI general manager; Lenox R. Lohr, NBC president; William S. Paley, CBS president; John Shepard III, head of the Yankee Network, and John Elmer.

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VOL. 121

NEW YORK, U. S. A., THURSDAY, JUNE 20, 1940

TEN CENTS

Booking Bill Faces Delay In Committee

Kennedy Pays Tribute To Film Executives

WASHINGTON, June 19.—The probability that action on the Neely block booking bill would be deferred by the House of Interstate Commerce subcommittee in charge of the measure until next month was seen tonight in plans to recess Congress over the Republican National Convention next week and a desire on the part of some members to see how current negotiations for settlement of the New York suit turn out.

Thus far the sub-committee has not met due to the important national defense legislation which has been before the House, but individual members have discussed the matter and a possible approach to the problem.

Discussing the measure today, Rep. Martin J. Kennedy, a member of the group, paid high tribute to company executives who testified at the recent hearings for their forthright statements and their apparent desire to

(Continued on page 3)

Demands No Bias In Air War News

WASHINGTON, June 19.—Maintenance of strict impartiality in dealing with the war situation was today demanded of the radio industry by Rep. Karl E. Mundt.

Defending the industry against charges of monopoly and commending the record of the stations in presenting matters of national interest, Congressman Mundt, in a discussion of the situation in the *Congressional Record*, urged that "opinionated observers" be eliminated lest they create a public sentiment not in the best interests of the country.

Investigations which he has made into the "interpretation" of war news, he said, "leads me to feel that a large part of the radio industry is alert to the growing importance of maintaining radio on a high plane of impartiality and of protecting, through self-discipline and self-established restraint, the unique privileges which American radio enjoys in this world of government-dominated or owned radio broadcasting."

However, he added, the industry should take steps to protect itself against any spread of personal prejudices by hired commentators.

End of Low Budget Films Vital, Para. Heads Insist

Essential Under Present Conditions, Trade Press Hears

That Paramount is in dead earnest about its announced intention to eliminate all low budget productions from its new season program and, in fact, regards the plan as an absolute essential for meeting present day conditions resulting from the international situation, was impressed upon trade press representatives by heads of the company at an informal luncheon at the Hotel Astor yesterday.

Barney Balaban, president; Y. Frank Freeman, studio head, and Neil F. Agnew, distribution head, detailed the progressive steps which led to the company's decision to eliminate low budget pictures and apply the \$2,500,000 ordinarily expended on them to the strengthening of the top budget productions on the company's list.

Balaban related that grosses from the company's flat rental picture group had been declining for several years. Confronted last Fall with the loss of foreign revenue, it was first proposed to eliminate only a part of the low budget pictures, applying the money saved to the higher picture brackets. As the international situation grew steadily worse, company executives were convinced that the lost revenue from foreign markets could be recouped only by winning new patrons in the vast domestic market.

"It was but a step from there," Balaban said, "to the complete elimination of the low budget production department."

The result was that production budgets on top bracket pictures were increased from an average of \$725,000 per picture to \$900,000 by virtue of

(Continued on page 3)

Sistrom to England On RKO Production

William Sistrom, RKO producer, is en route to Europe by boat to complete a check-up of RKO British production facilities. The company's future plans for production in England will be determined by his findings and the course of war developments in that country. Only two major companies, Paramount and Columbia, have production under way in England at this time.

British Films Must Raise \$10,000,000 In Extra Taxation

LONDON, June 19.—British Government tax department officials informed the film industry today, through their trade representatives at a meeting, that the Chancellor of the Exchequer has decided the industry must contribute a specified amount in extra taxation.

The amount is understood to be about \$10,000,000. It is believed the Government is willing to accept an increase in the admission tax, but is leaving the method of payment to the industry. Another meeting with Government officials is scheduled shortly.

The Cinematograph Exhibitors Association is expected to formulate a tax increase plan on a graduated scale, to be submitted for Treasury approval. The chief aim is the retention of exemption up to six pennies.

Allied Insists On Divorce in Settlement

Convention Opposes New Senate Tax Bill

CHICAGO, June 19.—Scheduling of opposition to any settlement of the Government's New York anti-trust suit without divorce and adoption of a resolution condemning the Senate measure to tax admissions from 10 cents up featured the opening day of Allied States' 11th annual convention here today. Col. H. A. Cole is presiding.



Col. H. A. Cole

The suit settlement, with Allied's insistence on divorce, will be one of the principal topics tomorrow and Friday, when the Neely bill will also be discussed. The convention will consider methods of establishing arbitration machinery under the projected settlement. Jack Kirsch, Illinois Allied president, and other officials believe arbitration should function without publicity, which they say, would hurt the industry.

Mayor Edward J. Kelly opened the convention at the Morrison Hotel

(Continued on page 3)

Petrillo Will Retain Chicago Union Post

CHICAGO, June 19.—James Petrillo, newly elected president of the American Federation of Musicians, will continue as president of the Chicago Musicians' Union.

The union by acclamation tonight requested Petrillo to continue, after he had explained that his new duties would take time he would otherwise devote to Chicago union affairs. He reviewed his rise in the musicians' union, and asked if the membership wished him to continue as local president.

Virtually every musician in this area was present, with a band and laudatory speeches the order of the evening. Petrillo said he realized the responsibilities of the national president, but with the reception he received at the Indianapolis convention, he had no choice but to accept.

Late Flashes from the Coast

HOLLYWOOD, June 19.—Settlement is near of the strike against Central Casting Corp. by the A.F.L. office workers' union, which threatened to tie up production, it was indicated tonight after a conference between union and producer representatives. Respective committees will meet again Friday. On the producers' committee are E. J. Mannix, Sam Briskin and William Goetz. Picketing today was confined to the Central Casting building. The conference of A.F.L. Studio Unions has endorsed the office workers' strike.

John Stone, producer, will terminate his 20th Century-Fox connection July 1, ending 20 years at the studio. He is preparing two story properties for production, with his new affiliation not disclosed.

"Cisco Kid" will be dropped from the title of the 20th Century-Fox series on the character, it was decided in conferences between Darryl F. Zanuck and Herman Wobber, general sales manager. Wobber plans to return East over the weekend.

Estimate RKO Cash Receipts \$375,000

Figures estimating the cash receipts of the RKO parent company for 1940 at \$375,000 and current expenses at \$400,000 were submitted yesterday to Federal Judge William Bondy in a joint affidavit of O. R. McMahon and Garrett Van Wagner, assistant treasurers of RKO. The estimated totals, which refer only to the holding company and not to operating subsidiaries, was filed to obtain a drastic cut of final allowances in reorganization proceedings.

The new RKO company had a total of \$2,092,645 in cash at its inception, the affidavit states. Estimated receipts will be derived mainly from Keith-Albee-Orpheum Corp., RKO Orpheum Corp., Pathe News and the Palace Theatre & Realty Co., it said.

According to the affidavit, no net amounts of cash are anticipated in 1940 from RKO Radio Pictures, Inc., the producing subsidiary. Current expenses are computed at \$150,000 for reorganization expenses aside from fees and \$250,000 for salaries, taxes, rentals and other disbursements for the parent company.

The affidavit points out that certain subsidiaries are not allowed by their charters to pay dividends to the holding company and that \$769,020 in dividends on preferred stock must be met in 1940 by the holding company. Only K-A-O and Pathe are expected to increase their earnings during the year, the affidavit added.

Sears Honored at Convention Windup

CHICAGO, June 19.—Warners' regional sales convention at the Blackstone Hotel ended today with a cocktail party by James Coston, Warner Theatres zone manager, in honor of Gradwell L. Sears, general sales manager, and attended by Allied members here for their convention.

Sears read a telegram at the final session from Jack L. Warner, production vice-president, citing the performance of "All This and Heaven, Too" at theatres. Sears said 11 films, described as major, will be released between now and Fall. The delegates left tonight for their territories.

Odlum Suggested Divorcement in '38

The plan of Floyd Odlum, head of Atlas Corp., financially interested in RKO and Paramount, to divorce RKO production and distribution companies from theatre operations, recalled by Odlum at a Federal court hearing on Tuesday, was exclusively reported by *Motion Picture Daily* on April 14, 1938, when the plan was broached originally.

Odlum's proposal, subsequently vetoed by other principals in the RKO reorganization, followed the abandonment of the first reorganization plan for RKO late in 1937. It preceded the filing of the Government's anti-trust suit by more than three months.

Personal Mention

CRESSON E. SMITH, Western sales manager for RKO, leaves for Minneapolis by plane Sunday night.

Y. FRANK FREEMAN, Paramount studio head, plans to leave for the Coast tonight.

JANET DORIS COHEN, daughter of MAX COHEN, sales manager of Big U's New York exchange, is a winner of a scholarship at N. Y. School of Fine and Applied Arts.

JACK GOETZ, JOSEPH PINCUS, AL YOUNG, IRVING BERLIN, HAL HORNE, JOSEPH MOSKOWITZ and J. J. MILSTEIN lunching at Lindy's (51st st.) yesterday.

MARVIN SCHENCK, LOUIS HYMAN, RUBE JACKER, LOU WEINBERG, ABE MONTAGUE, MAURICE and ARTHUR SILVERSTONE, and EUGENE PICKER at Lindy's (next to the Rivoli) yesterday for lunch.

LOWELL CALVERT, NATE SPINGOLD, MR. and MRS. LOU POLLOCK, WILLIAM J. HEINEMAN, ARTHUR DONOVAN, BEN BLAKE, ARTHUR KELLY and MAURICE BERGMAN lunching at the Tavern yesterday.

U. S. Industry Aids Canadian War Fund

Industry cooperation in raising war funds for Canada in the Dominion was pledged yesterday at a meeting of the M.P.P.D.A. board.

The board granted the request of N. L. Nathanson, president of Famous Players Canadian Corp., and chairman of the M. P. Industry Committee for Cooperation with the Canadian Government, to make available to Canadian exhibitors a supply of free films. They will be exhibited in Canada at special showings, with admission by Canadian war savings stamps, applicable toward the purchase of war savings certificates.

Attending the meeting were: Will H. Hayes, Barney Balaban, Joseph Hazen, E. B. Hatrick, Earle W. Hammons, Maurice Silverstone, George J. Schaefer, Y. Frank Freeman, Charles D. Prutzman, W. C. Michel, Jack Cohn, David Bernstein and Frederick L. Herron.

Corwin to Assist Pommer on 'Island'

Norman Corwin, CBS director and producer, leaves today for the Coast to join the small group of radio writers-directors who are now working in films. He will work with Erich Pommer, RKO producer, in the preparation of "Two On An Island," Elmer Rice play. While on the Coast, Corwin will also produce two radio shows for CBS, featuring Ginger Rogers and Charles Laughton.

Russell Muth in Madrid

Russell Muth, Movietone News European director, who had headquarters in Paris, is now in Madrid lining up the newsreel's coverage in the Spanish zone. William Murray, representative formerly at the Hague, was not heard from in 10 weeks because of the German occupation, but has reached Amsterdam.

EARL J. HUDSON, general manager of United Detroit Theatres, returned last night to Detroit after several days here.

Mr. and Mrs. LEO SPITZ will leave for California Monday.

WALTER BRANSON, RKO's Midwestern district manager, is here for conferences with NED E. DEPINET and A. W. SMITH.

MORT SPRING, MARCUS HEIMAN, DAVE BLUM, WILLIAM MELNIKER, JOSEPH CAWTHORN, JOHN GOLDEN, SIDNEY PHILLIPS and ARTHUR KRIM lunching at Sardi's yesterday.

JOHN LUCZAK of the Walden, Buffalo, is visiting here.

MANNY LEWIS, manager of the Girard, Philadelphia, and JEAN MEYERSON of that city, will be married in the Fall.

JAMES MCHUGH, assistant manager of the Circle, Philadelphia, is at the Germantown Hospital with a streptococcus throat.

CURTIS MEES of the Strand, Columbia, S. C., is a Fair visitor.

Brandt Warns on Child Attendance

A warning to exhibitors to avoid violations of the New York child attendance laws was given yesterday by Harry Brandt, president, at a membership meeting of the I.T.O.A. Brandt called attention to the fact that matrons must be present and unaccompanied children must be seated in a special section of the orchestra. He said that there have been occasions when children have been seated in the balcony.

License Commissioner Paul Moss is scheduled to hold a hearing today in connection with the recent truancy arrests of school children at Broadway theatres.

Laurie Firm Closes English Film Deal

TORONTO, June 19.—Esquire Films, Ltd., here, has been incorporated, with A. J. Laurie as president and general manager for the operation of a five-year franchise for Canada of the product of Associated Talking Pictures, Michael Balcon Productions and Ealing Studios, England, with prints of 14 features ready for immediate release.

Laurie has signed a contract for the physical distribution of the pictures through the six branches of Empire-Universal Films, Ltd., Canadian distributor of Universal and Republic product.

Ban Pa. Theatre Game

PHILADELPHIA, June 19.—Sale of "ProtectAward" tickets in local taprooms has been banned by the Pennsylvania Liquor Board. The plan, similar to Bank Night, and promoted in theatres in the western part of the state, was believed by the board to constitute a near-lottery, the legality of which is controversial. Tickets are distributed by merchants and drawings are made in theatres.

Shooting On Charity Picture Starts Soon

Preparation on the war charities film to be made by British and French nationals now in Hollywood started this week and shooting is scheduled to start shortly. Herbert Wilcox, one of the principals in the project, said yesterday.

The services of producer, directors, writers and cast are being contributed. Wilcox estimates a \$2,000,000 cost for the picture from the war effort contribution. All profits are to be turned over to American, British, French and Finnish accredited charities.

The film, "Octave of Jealousy," is based on an original of the same title by Stacy Aumonier. It will be devoid of propaganda, Wilcox said. The story is light, dramatic entertainment concerning the rise of a hobo to riches. One of the ranking comedians of British origin in the film colony will play the title role, Wilcox said, adding that permission to disclose the name has been withheld for the present.

Robert Stevenson will produce the picture, which will be financed and distributed internationally by RKO without profit. Directors will include Wilcox, Alfred Hitchcock, Frank Lloyd, Edmund Goulding, Victor Saville and Zoltan Korda. Writers will include A. J. Cronin, James Hilton, Aldous Huxley and W. P. Lipscombe.

Among those in the cast are: Claudette Colbert, Charles Laughton, Ronald Colman, Cary Grant, Charles Boyer, Errol Flynn, Laurence Olivier, Vivien Leigh, Anna Neagle, Merle Oberon, Greer Garson, Ray Milland, Madeleine Carroll, Sir Cedric Hardwicke and C. Aubrey Smith.

The picture is scheduled for completion about Oct. 15. Arrangements were completed by Wilcox this week at meetings in Washington and with George J. Schaefer, RKO president.

Seidelman Special U.A. Representative

Sam Seidelman, who has represented United Artists in Mexico and Central America for the past eight years, has been appointed special home office sales representative by Arthur W. Kelly, vice-president in charge of foreign distribution.

Seidelman is en route to Argentina on the *Uruguay*, and will make his headquarters in Buenos Aires.

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Allied Insists On Divorce in Settlement

(Continued from page 1)

With an address of welcome. First official action of the meeting was the unanimous adoption of the tax resolution, which was brought to the floor in behalf of the directors by Nathan Jamins of Fall River, Mass., past president of Allied.

Charging the Senate tax would discriminate against small theatres in favor of large interests and place a burden on low income patrons and children, the resolution urged Congress to restore the 30-cent exemption passed by the House. The M.P.P.D.A. was charged with having "inspired" the Senate bill, approved this week.

Col. Cole, after a closed session on film buying and sales policies, disclosed that a proposal for a national information bureau for exchange of trade information would be placed before the directors tomorrow. Attention at the session was given to demands for higher admissions and "unheard of" percentages on certain films, as well as terms asked for new season films.

Col. Cole said that sentiment at the closed session was against a buying combine, but that a straw vote indicated an exchange of information is favored. The bureau will be designed to provide information on percentage rentals. Members who spoke said they had "almost reached the limit" on what they can pay for films.

"We are trying to raise a wall of resistance against the film companies," said Col. Cole.

Short Subject Reviews

"Stranger Than Fiction, No. 78"

(Universal)

An array of six items, mildly interesting in their presentation, is offered. Shown are: a college student shaving while standing on his hands; wood carving; a model railroad; an artist at work while blindfolded; novelties made from shells, and the building of miniature wagons. Running time, 9 mins.

"The Naughty Nineties"

(Universal)

This is an enjoyable "musical featurette." Following a brief skit concerning villain, hero and fair lady, a variety show of the cake-walk era is presented. Singing waiters, juggling, eccentric dancing and other acts are represented. Running time, 18 mins.

"Bitter Sweet" Cast

HOLLYWOOD, June 19. — Jeanette MacDonald and Nelson Eddy will be co-starred in M-G-M's "Bitter Sweet," an adaptation of the Noel Coward musical. Victor Saville will produce and W. S. Van Dyke direct.

Hollywood Review

"Pop Always Pays"

(RKO)

HOLLYWOOD, June 19.—Featured in this farce are Leon Errol, Dennis O'Keefe, Adele Pearce, Walter Catlett and Marjorie Gateson. The story, an original by Arthur Beckhardt, from which the screenplay was written by Charles E. Roberts, puts Errol in the role of a financially hard-pressed business man who has offered his daughter's fiancé \$1,000 as soon as the latter saves the same sum.

The humor of the piece, designed along farce lines, devolves primarily from efforts made on the part of Errol to procure the money.

Bert Gilroy produced and Leslie Goodwins directed for the Lee Marcus unit.

Running time, 65 minutes. "G."*

W. S.

*"G" denotes general classification.

'Torrid' at \$4,900 Indianapolis Lead

INDIANAPOLIS, June 19. — Every house in town was below average, with "Torrid Zone" at the Indiana coming closest to the line with \$4,900.

Estimated takings for the week ending June 14:

"My Favorite Wife" (RKO)

"The Saint Takes Over" (RKO)

CIRCLE—(2,800) (25c-40c) 7 days, 2nd

week. Gross: \$4,500. (Average, \$6,000)

"Torrid Zone" (W. B.)

INDIANA—(3,200) (25c-40c) 7 days.

Gross: \$4,900. (Average, \$5,000)

"Susan and God" (M-G-M)

"Man With Nine Lives" (Col.)

LOEW'S—(2,800) (25c-40c) 7 days. Gross:

\$5,800. (Average, \$7,000)

"Women in War" (Rep.)

LYRIC—(2,000) (25c-40c) 7 days. Stage:

Bob Crosby and his band, with vaudeville. Gross: \$7,800. (Average, \$8,000)

Talley Given New Three-Year Contract

WASHINGTON, June 19.—An agreement extending the employment of Truman Talley, by Movietone Inc., from June 14, 1940, to June 13, 1943, has been filled with the Securities and Exchange Commission. Movietone, Inc., is a subsidiary of 20th Century-Fox. Talley's salary is \$1,250 weekly. This is an increase of \$250 weekly over that which Talley had been receiving under the old agreement.

Washington Critic Moves

WASHINGTON, June 19. — Andy Kelly, film editor of the *Washington Herald-Times*, has joined the *Washington Star*. Betty Hynes succeeds him on the *Herald-Times*.

End of Low Budget Films Vital, Para. Heads Insist

(Continued from page 1)

the elimination of the flat rental pictures without reducing the total appropriation for new season production.

Illustrating how the money thus released can be used to add box-office values to new pictures, Freeman pointed out that a \$400,000 addition to the "Northwest Mounted" budget made it possible to replace a male lead originally intended for the picture with Gary Cooper, and to make the picture in color instead of black and white. He also cited an increase of \$125,000 to \$140,000 which made possible the addition of Fred Allen to the new Jack Benny picture and an accompanying strengthening of story value.

He said that the type of product which Paramount plans should justify greater selling efforts on the part of the exhibitor to bring the extra dollars which will be as important to the theatre owner as to the producer before the next 12 months have passed.

"The next year will tell the story," Freeman said. "The industry is at the crossroads and the exhibitor who wants to stay in business by continuing to play, quality product will have to pay more for his pictures and will have to sell them to more people."

Freeman said the "saturation point" on cost and income has been reached;

that the average good feature, with fewer than a half dozen exceptions yearly, grosses \$1,600,000 to \$1,700,000 at the most, while the production cost of such pictures is \$1,000,000 and the distribution and advertising cost another \$500,000. The producer who is to continue turning out quality productions, therefore, must have the encouragement of better returns from exhibitors, he said.

Freeman contended that all possible economies have been or are being made in Hollywood; that those which remain to be made, either in the elimination of "deadwood" or the reduction of salaries of overpaid executives, are unimportant in the aggregate and will not alter the industry's problem. He said that there is no possibility of reducing star salaries.

Balaban pointed out that an increase in attendance in United States theatres of only seven or eight per cent would increase industry revenue by approximately \$18,000,000 and would go far to remove the pressure now on the industry.

Other Paramount executives attending the luncheon were J. J. Unger, Eastern sales manager; Oscar Morgan, Southern sales manager; Charles Reagan, Western sales manager; Robert Gillham, advertising and publicity director, and Al Wilkie, publicity manager.

Booking Bill Faces Delay In Committee

(Continued from page 1)

work out their problems with the exhibitors and declared that many of the practices discussed undoubtedly could be corrected by the industry itself.

Kennedy explained that one of the reasons for failure to act promptly on the measure has been the attempted settlement of the New York suit and the preference of some members of the sub-committee for a settlement of the block booking problem by the industry rather than Congress.

"I think there are some very fine men in the industry who have been devoting their best talents to its advance," he said, "but at the same time there are a lot of men not doing all they should, and it is regrettable to hear of the continuance of practices which could readily be eliminated without any action by Congress. In my personal opinion, the industry has done some very stupid things, but I am in favor of its working out its own problems, if possible."

Theatre Changes

Takes Missouri House

KANSAS CITY, June 19. — Elmer Bills, who operates houses in Salisbury, Brunswick and Boonville, Mo., has taken over the house at Huntsville, Mo.

Plans Columbus Theatre

COLUMBUS, O., June 19.—A new 1,000-seat neighborhood house, to be known as the Boulevard, will be erected by C. A. MacDonald at an estimated cost of \$125,000. MacDonald also operates the local Arlington, Southland, Westmont, Thurman and Cleve, neighborhoods, and the Ada, at Ada, O.

Open Drive-In This Week

CINCINNATI, June 19.—Opening of the new Drive-In theatre, advertised for last week, was postponed until this week because of unexpected last-minute construction delays. The theatre, which occupies a suburban location, is the first of its kind in this area.

Building Tennessee House

MEMPHIS, June 19.—Strand Enterprises, Inc., operating 20 theatres in the Tri-States area, is constructing a house at Millington, Tenn., which will seat approximately 900 and will cost \$30,000.

Opens Georgia Theatre

CUMMING, Ga., June 19.—Mayor Roy P. Otwell has opened the Francis Theatre, which cost \$7,500. It is being operated by Robert Hughes.

Dismisses Caron Suit

N. Y. Supreme Court Justice Lloyd Church yesterday dismissed the suit of Caron Corp., perfume manufacturer, against RKO because of insufficiency of the complaint. Plaintiff had claimed that "Prinrose Path" had disparaged its product.

Extend Giveaway Of Sears, Roebuck

PHILADELPHIA, June 19.—Sears, Roebuck & Co. profit-sharing coupons as film giveaways, being tested here at six independent neighborhood houses, will be extended to other cities within the next month. The first outside house set to use the plan is the Park in Highland Park, Pa., and arrangements are now being made with houses in at least 10 other cities in eastern Pennsylvania, including houses in Scranton, Bethlehem and Reading.

The coupons, of one, two and five-cent denominations, redeemable as cash for any merchandise sold by the mail order house and its retail stores, was introduced here June 3 at the President, Hollywood, Alden, Southern, Lawndale and Castle theatres.

Robert F. Bogatin, local attorney and former exhibitor, who heads the Sears coupon-plan sales organization, said, "the plan is showing steady improvement." The profit-sharing coupons are given to men, women and children, and are transferable. Exhibitors pay face value for the coupons, distributing them as they see fit, while Sears pays for all advertising and promotional accessories. Accepted as part or full payment on all cash or charge orders, the regular Sears prices prevail for merchandise bought with the profit-sharing coupons.

Fred Wehrenberg, Kaimann in Merger

St. Louis, June 19.—Merger of the Fred Wehrenberg and the Clarence Kaimann circuits of neighborhood theatres here will give the combined circuit 25 theatres, the largest number under a single operating head locally. The St. Louis Amusement Co., serviced by Fanchon & Marco, has 24 neighborhood houses in the city.

Wehrenberg said the merger is a partnership between him and Kaimann. Wehrenberg operated 12 houses, eight of them in South St. Louis. Kaimann's 13 houses are in North St. Louis.

Ettelson Monument

A monument for Richard Ettelson, New Jersey circuit man who died a year ago, will be unveiled at 3:30 P. M. Sunday at the Riverside Cemetery, Rochelle Park, N. J.

—And Rain, Too

Some 1,200 Warner employees yesterday experienced a mystery cruise, bingo, a treasure hunt, a baseball game in which the players were mounted on donkeys, and souvenirs including lipstick for the ladies from the House of Westmore. All this and rain, too, were accepted by the surprised personnel as part of the company's annual outing and boatripe.

Boarded at the Battery, the boat sailed up the Hudson to 125th St., turned around and went back to New York Bay, and then reverted to its original course and continued on to Bear Mountain. Dancing, deck sports and dinner also were on the program. Ralph W. Budd supervised all this.

Off the Antenna

SUMMER SHOWS: Shifts in Summer network program schedules will be more numerous this year than in previous seasons. Although several programs are not set yet on the Summer layoff, there will be a general realignment of days and hours used by sponsors. The trend away from full hour shows to shorter periods has increased the number of changes this season.

At NBC, three shows will be suspended for the Summer, five will have new talent, four will be heard at a different time, and two new shows will make their debut. The new ones are "Truth and Consequences" and Burns & Allen, both previously on CBS.

At CBS, eight shows will be suspended, five shift to new time, and one full-hour show will be cut in half. One new show will start.

• • •

That Ascap Contract: Radio officials were reluctant to discuss the new Ascap contract yesterday except to point out that the fight with Ascap had not taken any new turn as a result of the issuance of the text of the license agreement. The industry-wide meeting tomorrow will probably take some official stand on the matter.

Network officials claim that Ascap music has been eliminated from about 75 per cent of sustaining programs originating in the studios and they are preparing a set of figures to prove it. Of course, similar control cannot be exercised over bands playing at remote points. Within the next 10 days, however, it is planned to insist that each band play at least one BMI tune.

Empire Rejects 306 I.T.O.A. Protests Offers On Merger New Taxation Plan

Empire State Operators Union has rejected a recent offer by Operators Union Local 306 to resume negotiations for a merger of both unions, it was learned yesterday. The offer was rejected with the request that Local 306 prepare a written statement of its proposals to be used as the basis of negotiations, it was said.

Abraham I. Kindler, Empire president, asserted yesterday that there is a move under way for Empire to acquire contracts in September with about 40 independent houses now employing Local 306 projectionists. When questioned about the possibility of such move in view of the long term contracts now held by Local 306, Empire officials asserted that a change in ownership of the theatres would make the acquisition of such houses by Empire possible.

Harry Brandt, president of the New York I.T.O.A., told members of his organization yesterday that negotiations have been opened with Local 306 for wage reductions during the Summer.

Harry Brandt, president of the I.T.O.A., yesterday voiced the local exhibitor organization's opposition to the new Federal admission tax schedule now pending in Congress as part of the national defense tax measure.

Speaking at a luncheon meeting at the Hotel Astor, attended by members of the New York Film Board of Trade, headed by Jack Bowen, Brandt said the organization is ready to do its share toward raising revenue for national defense, and favored the original House measure which lowered the tax exemption from 40 to 30 cents, continuing the 10 per cent levy.

However, he declared, the Senate measure lowering the exemption to nine cents, and made following consultation between committee members and "an industry representative," would impose a tax "worse than during the World War, when we were actually engaged." He said the I.T.O.A. had asked an opportunity to present its views to a Congressional committee.

Brandt said it is planned to hold joint meetings with the Film Board of Trade every three months, for the discussion of mutual problems.

3 Companies Formed

ALBANY, June 19.—Three new film companies chartered here include: Advertisers Screen Service, Inc., by George L. Fecke, Archibald McNeil and Roderick C. McNeil; Kasnar Productions, Inc., by Edgar W. Hatfield, Alexander R. Kellegrew and Alfred H. Sarno, and B. C. R. W., Inc., by David J. Wolper, Philip H. Miller and Harold Conklin. All are New York City companies.

Stiff Replaces Burke

MINNEAPOLIS, June 19.—C. B. Stiff, former manager of the South Dakota district for Minnesota Amusement Co., has replaced Barry Burke, who resigned recently as Twin Cities district manager, Harry French has replaced Stiff in South Dakota.

Showmanship Flashes . . .

Works Out 4 Stunts For 'Favorite Wife'

MINNEAPOLIS, June 19.—For the showing of "My Favorite Wife" at the State, Frank Steffy, manager, and George Tharpe, publicity man, worked out four stunts. One provided free roses for husbands, another free tickets for husbands who "fit in" their wives' shoes, a third providing free taxi rides to the marriage license bureau for couples after seeing the film, and the fourth, advertising tieup on articles for "your favorite wife."

Personal Notice Used As Plug for 'Waterloo'

SPRINGFIELD, Ill., June 19.—For "Waterloo Bridge" at the Orpheum, M. R. Berman, manager, ran a personal notice in local papers, in which the girl of the film asked the hero to meet her at a local bridge, called Waterloo Bridge, at a specified hour. Two theatre employees were dressed to impersonate the stars of the film, and local papers gave the stunt considerable attention. Berman also circulated a petition to have the name of the bridge changed to Waterloo.

Essay Contest Used For 'The Mortal Storm'

CLEVELAND, June 19.—For "The Mortal Storm" at Loew's State, E. A. Steinbuch, manager, in cooperation with the News, arranged an essay contest on the subject, "Why Is Freedom a Priceless Possession," with cash and ticket prizes awarded for the best contributions.

Assessment Reduced

PHILADELPHIA, June 19.—The appeal of the TNFR Realty Co., owner of the Roosevelt, key neighborhood Warner house, from the action of the Board of Revision of Taxes for the present year of \$203,000 against the house, was sustained by Judge Joseph L. Kun in Court of Common Pleas and the assessment was reduced to \$185,000.

Center Leads League

Rockefeller Center has jumped to first place in the Motion Picture Baseball League, winning both games played. Consolidated Film Industries fell back from first to second place. Paramount, Skouras, NBC, M-G-M, International Projector and Universal follow in that order.

Apartment House Showing Pictures

Philadelphia, June 19.—A new form of competition for the city houses cropped up when 2601 Parkway, a new apartment house, arranged for the showing of pictures for its tenants on the roof. Mostly, reissues, the films will be shown each Friday evening during the Summer. Since the apartment house has a liquor license, drinks are sold during the showing. No admission is charged, house tenants and their guests being admitted free.

Managers Shifted By Famous Players

TORONTO, June 19.—Larry Graburn, recently in charge of the Capitol, Halifax, has been appointed manager of the Capitol in Regina, Sask., by Famous Players Canadian Corp., while S. Gunn, chief booker for Western Theatres, Ltd., a subsidiary, has become manager of the Metropolitan, Winnipeg, succeeding Don Gauld, promoted to assistant district manager under Edward Zorn.

Arthur Ducharme has been assigned to manage the Park, recently opened at Windsor, Ont., and has been succeeded by Ralph Bartlett as assistant manager at the Tivoli, Windsor. Robert Maynard has resigned as manager of the Cartier, Hull, and has been replaced by Louis Gauthier, formerly assistant manager of the Capitol, Sudbury, with M. Phillips of the Capitol, North Bay, being transferred to Sudbury as assistant to Sidney Scott.

Alert,
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Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 12 NO. 122

NEW YORK, U. S. A., FRIDAY, JUNE 21, 1940

TEN CENTS

British Face Boost of 100% In Film Taxes

**Expect Trade to Raise
About \$18,000,000**

LONDON, June 20.—The British film industry is faced with a 100 per cent increase in the entertainments tax, to help finance the war.

Government officials informed industry representatives, it is understood on reliable authority, that the approximately \$9,000,000 to \$10,000,000 in extra taxation the industry was advised would be its share of the new burden, is only an interim account. The industry ultimately will be expected to raise approximately \$18,000,000 in extra taxation, representatives were told.

Trade officials have begun discussions on methods of raising the tax, based on a 100 per cent increase of the original scale. This would mean an increase in many tax categories and require a tax on admissions of expense and under, which the industry had been trying to avoid. Trade groups will meet separately to consider the situation next week, and later jointly with Treasury officials.

House Expected to Accept Senate Tax

WASHINGTON, June 20.—Reduction of the admission tax exemption from 40 to nine cents, provided for in the revenue bill passed late last night by the Senate, today was expected to be accepted by the House conferees during adjustment of differences between the two bodies.

The bill as passed by the House provided for a reduction of the exemption only to 30 cents, but there was no indication that any opposition

(Continued on page 4)

Col. Nine Months' Profit at \$341,348

Net profit of \$341,348 for the nine months ended March 30, last, was reported by Columbia yesterday, after a deduction of a special reserve of \$300,000 "for possible adjustments incident to war conditions." This compares with net loss of \$80,158 for the corresponding nine months period a year ago.

The statement said that Columbia

(Continued on page 4)

Allied to Provide Data to Members On Selling Terms

CHICAGO, June 20.—Allied States at its convention here today decided to establish a national bureau to disseminate information to its members on film buying terms.

Information to be gathered and given out will be on how exhibitors are buying films, whether on percentage or flat rental, and how many in each classification, whether shorts are forced, whether the entire deal is offered at less than fewer films, and the like. Included also will be data on special contract clauses and films' performance at the box-office.

Complete anonymity of exhibitors supplying the information will be maintained, and the results will be given out on the basis of general conditions, not isolated instances.

Jack Kirsch, Illinois Allied president, told the convention that if Balaban & Katz were to drop duals and triples, 90 per cent of Chicago exhibitors would return to single features immediately. Mort Goldberg, Chicago attorney and head of the G. C. S. Circuit, urged Allied to take steps to relieve the situation.

Among resolutions adopted was one condemning what was called "the drive racket" of distributors who, it was said, offer cash prizes to salesmen to "high pressure" exhibitors into buying. Another pledged full cooperation to the Government in use of

(Continued on page 4)

GOVERNMENT SUIT COST IS \$1,250,000

**Suits Against Circuits
Off Pending Decision
In New York Case**

No trial dates for the Government's anti-trust suits in Federal courts at Nashville, Oklahoma City and Buffalo will be set pending the outcome of the current efforts to reach an out-of-court settlement of the "key" New York suit, it was learned yesterday.

Defendants have filed answers in Buffalo and Oklahoma City, which would make it possible to set trial dates now for both cases except for the negotiations now in progress here. The Nashville suit is nearing the stage where a trial might be set.

The development illustrates that the outcome of these actions, as well as the New York suit, hinges on the negotiations now in progress here.

It is also learned that hearings of Balaban & Katz and Paramount exceptions to a special master's report finding them guilty of violating a 1937 Federal consent decree will be deferred in Chicago until next September. Reason for the adjournment is that both Government and defense attorneys are engaged in the New York settlement discussions.

**No Agreement Reached
On Arbitration Terms;
Divergence Reported**

Industry attorneys estimate that the Government's New York anti-trust suit has already cost the defendant companies \$1,250,000. This covers all preparatory research work and attorney's costs.

No agreement on any of the arbitration proposals so far discussed in conferences on the out of court settlement of the suit has been reached by the negotiators, although the meetings have been going on for more than a week.

The Government and the defendants are reported as having sharply divergent views on many of the conditions taken up.

In order to facilitate the situation and hasten conciliation between the parties on the proposals before them, there has been appointed a subcommittee which meets following each conference. This committee reports back to the full body with suggestions. When these suggestions lead to agreement, the group moves to a new subject of discussion.

The pace of the negotiations was slackened materially this week when conferees, who have been meeting almost daily for full-day sessions, agreed on Wednesday to limit the daily discussions to three-hour periods—from 10 A. M. to 1 P. M. Further indicating the removal of pressure for quick results which marked some of the early sessions is the fact that an adjournment was taken from Monday to Wednesday to permit one of the Government attorneys to attend the intercollegiate Poughkeepsie regatta on the Hudson, Tuesday.

RKO Quarter Net Equals \$535,088

RKO yesterday reported net profit for the first quarter of 1940 of \$535,088 after all charges, including provision for Federal income taxes and for dividends on the preferred stock of a subsidiary.

RKO's profit for the quarter before provision for depreciation and income taxes amounted to \$1,148,402. The following deductions were made: depreciation, \$364,329; income taxes, \$174,535, and provision for dividends for the period on Keith-Albee-Orpheum 7 per cent preferred stock in the hands of the public, \$74,450, leaving net profit of \$535,088.

The Job—In Wartime

TODAY our world is at war. The spirit and strength of all peoples devoted to the doctrine of human rights and individual liberties is on trial by ordeal against the fires of that age-old viciousness that might makes right.

All that is meant by "the American way" is also on trial.

The French nation, weakened from within by subversive disorders, class hatreds, political theorists and selfish politicians, has failed. With this failure what has been one of the finest flowerings of modern civilization goes into the shadows. If it is to be restored to the light it must be re-born in pain and travail.

The British people and its institutions, culturally and traditionally akin to our people and our institutions, stand bravely but imperiled against the menacing fires.

For America and "the American way" we are going—perhaps driven—into a vast program of armament, whether it be preparation for war or preparation for peace. Armament is now the overwhelming national concern. World conditions are such that while we may not be at war, we are not at peace.

It is under such world conditions that the motion picture and its industry must function.

While there is much that the motion picture industry may do, the best that it can do is to function soundly and competently as a purveyor of en-

(Continued on page 4)

Personal Mention

JAMES ROOSEVELT is expected from Hollywood next Tuesday following a brief stopover in Washington.

ROBERT T. KANE, British production chief for 20th Century-Fox, leaves for the Coast today.

DAVID O. SELZNICK is expected back from the Coast early in July.

SAM PINANSKI of M. & P., Boston, is in New York for Paramount home office conferences.

EDWARD PESKAY, Eastern representative for Hal Roach Productions, returned yesterday by plane from the Coast.

J. J. MILSTEIN, **MORT SPRING**, **DAVE BLUM**, **JOSEPH ROSTHAL** and **JOSEPH PINCUS** lunching at Lindy's (51st St.) yesterday.

EMANUEL SILVERSTONE, **RUBE JACKETER**, **SOL EDWARDS**, **ABE MONTAGUE**, **ARTHUR SILVERSTONE** and **LOU WEINBERG** lunching at Lindy's (next to the Rivoli) yesterday.

SI FABIAN, **FRED SCHWARTZ**, **TED O'SHEA**, **LARRY REID**, **JOHN EMERY**, **TALLULAH BANKHEAD**, **AL ALTMAN**, **I. E. LOPERT**, **ROBERT WILCOX** and **JACOB WILK** at Sardi's yesterday for lunch.

DAVID BERNSTEIN, **MAURICE BERGMAN**, **CHARLES M. REAGAN**, **ED SAUNDERS**, **ERNO RAPEE** and **MAX A. COHEN** at Nick's Hunting Room in the Astor for lunch yesterday.

HERBERT MORGAN, Eastern short subject manager for M-G-M, has returned from studio conferences with **FRED QUIMBY**, **JACK CHERTOK** and **PETE SMITH**.

ROBERT MONTGOMERY arrived from Europe on the *American Clipper* yesterday and will leave for the Coast shortly.

CHARLES SCHWARTZ has taken a home in Connecticut for the summer.

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INC.

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Rivoli Theatre)

(51st Street
Corner)

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dinner place for
Motion Picture People

Sole agents in New York
for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

An Exhibitor Speaks

Martin Quigley,
Motion Picture Daily:

I suppose you get hundreds of letters from exhibitors all over the country complaining about business conditions, union situations, tough film business policies, and a million and one other headaches connected with our business. In the past I, as well as the rest of my fellow exhibitors, had, or thought I had, plenty to complain about, until I read the daily newspaper headlines not only for those men who are valiantly fighting for their homes but thousands of non-combatants, Women, Old Men and Children, helplessly floundering in search of refuge, food, medical attention, clothes and many small comforts that will help to make their "Innocent Lives" bearable.

I suddenly realized that I didn't have a care in the world; in comparison I was a very lucky man, and then I was thrilled with the thought that I could help those unfortunates through the American Red Cross. As a result of this personal analysis and in appreciation for all the privileges granted me and mine in this

Blessed Country of ours, I am turning over my gross receipts of Tuesday and Wednesday, June 25th and 26th, to the American Red Cross. I will further endeavor to assemble as many name attractions as possible to appear on our stage. It is my earnest wish that the House Record will be shattered, and a new high gross will be reached for this worthy cause.

They are welcome to every dollar, and may these dollars help to alleviate some of the hardships and ease some of the pain the innocents are experiencing.

In closing, I wish to go on record to the effect that the American Red Cross may call on me at any time during the present conflict for the use of my theatre and all its facilities, and they will find me more than willing to do anything in my power to further this splendid cause.

AARON BINKOW,
Opera House Theatre,
Ave. C & 26th Street,
Bayonne, New Jersey.

Broadway Weekday Grosses on Upswing

Weekday business in Broadway houses is showing a marked upturn while weekend grosses are off, managers of first run houses asserted yesterday. The rise is attributed to the seasonal shift which takes filmgoers out of town over the weekend but brings them downtown during the rest of the week.

"Our Town" with a stage show at the Music Hall grossed an estimated \$83,000 for its first week and is held over. At the Roxy "The Doctor Takes a Wife" with a stage show scored an estimated \$36,000 for its first week and is also held. For its second week at the Capitol, "Edison the Man" drew an estimated \$24,000 and was followed yesterday by "The Mortal Storm." "Brother Orchid" at the Strand with Jimmy Dorsey's band on the stage grossed an estimated \$28,000 for its second week and will start its third week today. In its 26th week at the Astor, "Gone With the Wind" held up well with an estimated \$7,900.

Bombings Close No Houses in England

London, June 20.—Despite heavy bombing raids by the Nazis Tuesday and Wednesday nights along the East coast of England, no British theatres have been closed and all are maintaining their present opening hours and operating policies.

Lee Will Distribute British Films Here

Arthur Lee, former head of Gaumont British here, has acquired the American distribution rights to the British product of Associated British Film Distributors, Ltd., General Film Distributors, Ltd., Associated Talking Pictures, Ltd., and Grand National Pictures, Ltd.

Grand National's two latest films are "The Stars Look Down" and "Pastor Hall." This company has no connection with the former American company of the same name. Lee indicated he has dropped his television plans for the time being. One of the first for release here will be "Convoy," produced by Michael Balcon, which received high critical praise in England.

Loew Doubles Spots To Single 'New Moon'

"New Moon," Nelson Eddy-Jeanette MacDonald film, will play as a single feature in virtually all double bill first-run situations throughout the Loew circuit. Single bill programs so far have been set for Rochester, Columbus, Kansas City, Syracuse, Louisville, Indianapolis, Akron and Providence, all normal double feature spots.

Moss Delays Hearing

Hearing on the question of truants from school found in Broadway theatres, scheduled for yesterday, was postponed until today by License Commissioner Paul Moss.

Menken, Clofine Win News Awards

ATLANTIC CITY, June 20.—Arthur Menken of Paramount News has been selected to receive a silver plaque awarded by the National Headliners Club, to be presented at the annual banquet June 29 at the Hotel Traymore for the best coverage of a news event.

His newsreel coverage of the evacuation of Namsos, Norway, is considered by the committee the best piece of newsreel work to come out of the foreign field in the past 12 months.

In the domestic field a similar award will go to M. D. Clofine of News of the Day for the enterprise and excellent editing shown in the production of the newsreel "Awake America," in which Clofine utilized a reel made of the late General William Mitchell as the nucleus for a subject sounding the call for improved national defense.

Among the 14 citations for journalistic achievement and award for the best radio coverage of a news event will go to William L. White, foreign correspondent for CBS and the New York Post for his broadcast last Christmas Eve direct from the Finnish trenches. In the domestic field Raymond Gram Swing of Mutual was selected for consistent excellence in radio news interpretation.

Publicists' Guild Is Indorsed by Ampa

Ampa, at a closed meeting yesterday, indorsed the Screen Publicists and Advertising Guild, recently formed New York affiliate of the Hollywood Screen Publicists Guild.

Action was taken following tabulation of a direct-by-mail ballot sent out to Ampa's 120 members five days previously by Leon Bamberger, Ampa president. The response was 34 ballots; 25 for approving the Guild and nine against. The remaining 86 expressed no opinion.

Membership meetings have been suspended for the Summer. The Ampa board, however, will meet July 18 to transact interim business.

Mono. Raises Budgets

HOLLYWOOD, June 20.—Monogram has announced that it is increasing the budgets on six films for next season in addition to the four originally planned in the higher bracket.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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Paley Attacks F.C.C. Report As Prejudiced

Terming the monopoly report of the F.C.C. subcommittee "totally unwarranted by the evidence as manifestly the product of bias and prejudice against network operations," William S. Paley, CBS president, in a letter to the 118 CBS affiliated stations, declared that a brief would be filed "pointing out the grave inaccuracies of this report, its numerous variances from the record and its thorough unreliability."

Paley asserted that the committee "made no serious attempt to evaluate the evidence presented by the networks or to consider the great public advantages which the American people have been able to enjoy solely through network competition, enterprise and ingenuity." Paley declared that networks, stations and public would suffer if the report were adopted, particularly if exclusive affiliation of a station with a single network were attacked.

RKO Heads to Honor Boasberg at Dinner

RKO executives, headed by Ned E. Depinet, in charge of distribution, and A. W. Smith, sales manager, will fly to Buffalo Monday for the testimonial dinner that evening by the Variety Club for Charles Boasberg and Elmer Lux. Boasberg has been promoted from Buffalo branch manager to East Central district manager, and Lux has replaced Boasberg as branch manager. Smith will be toastmaster.

Accompanying Smith and Depinet will be Robert Mochrie, Eastern sales manager; Harry Michalson, short subject sales manager; M. G. Poller, head of the playdate department, and Robert Wolff, New York exchange manager.

Among those at the speaker's table in addition to Boasberg, Lux Depinet and Smith will be: Vincent McFaul, Charles Hayman, William Mahoney, Robert Murphy, Bert M. Stearn, George Roberts, Judge Joseph Kelly, Syd Lehman, Syd Samson, John Nolan, Meyer Schine, George Lynch, Herb MacIntyre, Nick Dipson, Nick Basil, Moe Silver and Assemblyman Harold Ehrlich.

Allied to Provide Rental Information

(Continued from page 1)

the screens to inform the public of national defense plans.

Abram F. Myers, chairman of the board and general counsel, will preside tomorrow and detail developments on the Government's New York anti-trust suit and block booking legislation.

James J. Walker, ex-mayor of New York, will be toastmaster at the banquet at the Morrison Hotel in the evening, which will close the meeting.

Brown Hearing Today

WASHINGTON, June 20.—Another hearing on the nomination of Thad H. Brown as a member of the FCC will be held tomorrow by the Senate Interstate Commerce Committee.

The Job—In Wartime

(Continued from page 1)

tainment which in our days and for our people has become a necessity of life.

A people loyal to "the American way" is the nation's best measure of preparedness. To the sum of such devotion and loyalty the motion picture, by offering wholesome, inspiring and refreshing entertainment, can contribute much.

Because so much of the structure and policies of the industry are under special legal and social attention, it is well that it should be remembered that commercial stability of its industrial and commercial mechanisms is a necessary and traditional component of "the American way"—that way which presumes a good life for those who can earn it, and charity, public and private, for the rest.

Such stability, maintained within the requirements of its total social responsibilities, will enable the industry to do its substantial share for the continuance of "the American way" against all assailants, foreign and domestic.

MARTIN QUIGLEY

Increase Universal Credit by \$1,000,000

A \$1,000,000 increase in Universal's revolving credit with two New York banks and an extension of the credit agreement for one year from next Oct. 13 has been reported to the S. E. C.

The credit, with Commercial National Bank and Irving Trust Co., now amounts to \$2,500,000. On Aug. 1 it will be increased to \$3,500,000 and continue at that amount until next March 1, when it will revert to the present amount for the remainder of the agreement period. If the additional \$1,000,000 is used by Universal it will be at the same rate of interest as for the original credit. If not used, Universal will pay one-half of one per cent interest on the \$1,000,000 in addition to the interest for the original credit.

Theatre Ceiling Falls, 30 Injured

About 30 persons were injured yesterday when part of the plaster ceiling fell on the audience at the West End Theatre, 362 West 125th St., in Harlem. Six were taken to hospitals. Newspapers reported that the audience of 800 was thrown into "near panic."

House Expected to Accept Senate Tax

(Continued from page 1)

would be offered to the lower exemption written by the Senate, particularly as the additional revenue would permit the elimination of proposed increases in the tobacco taxes, to which there was considerable objection, particularly from the score of states in which tobacco is grown.

The nine-cent exemption, it is estimated, will raise something over \$100,000,000 above the \$22,000,000 now collected from the tax on admissions in excess of 40 cents. The House provision would have raised only \$25,000,000.

AGVA Expects Pact With Theatres Soon

A contract with New York theatre circuits is expected to be closed within the next 10 days, Hoyt S. Haddock, executive secretary of the American Guild of Variety Artists, disclosed yesterday in *Actors' News*, official union publication. Haddock declared that virtual agreement now exists on all the main terms and that the remaining questions relate only to the language of the contract.

The contracts will cover all Broadway houses, major circuits and vaudeville houses operated by the Brandt, Fabian and Skouras circuits, Haddock said. The contract will include out-of-town theatres as well as New York houses of the circuit, he added.

Ascap Wins Case On Austrian Claim

Supreme Court Justice Peter Schmuck yesterday denied a motion for a summary judgment against Ascap in an action based upon a claim against Ascap's affiliate in Austria, which was dissolved by the Nazi government in 1938.

The plaintiff, Morris W. Primoff, asserted in the action that he had a judgment against the Austrian composers and authors society claimed that, since Ascap owed the Austrian society \$16,000, the latter should be required to satisfy his judgment.

Ascap, through Schwartz & Frohlich, counsel, successfully contended that the German society which absorbed the Austrian organization, owed Ascap \$64,000 and that its debt to the dissolved Austrian society had been wiped out and the balance of the debt could not be withdrawn from Germany.

Col. Nine Months' Profit at \$341,348

(Continued from page 1)

"continues in a strong net quick asset position," with current assets of approximately \$12,477,000 and current liabilities of \$1,611,000 as of March 30, leaving net working capital of \$10,866,000.

The report states that Columbia "is endeavoring to maintain such control over its production activities as is possible with the object of being able to adjust same to changes due to world-wide economic conditions."

See \$22,000,000 Year's Collection On Admission Tax

WASHINGTON, June 20.—Federal admission tax collections for the fiscal year now drawing to an end are expected to total close to \$22,000,000, it is estimated by the Internal Revenue Bureau on the basis of figures for the first 11 months.

With the first flash of "With the Wind" business over, collections in May returned to a more normal level of \$1,791,096.

While the month's total was nearly \$210,000 under the April figure of \$2,000,902, it was still \$185,000 above the \$1,605,988 collected in May, 1939, the bureau announced.

The report for the first 11 months shows collections of \$20,242,313, an increase of \$2,262,000 over the \$17,979,541 collected in the same period a year ago. For the first five months of the current calendar year, collections reached \$9,522,228, an increase of \$1,857,000 over the \$7,664,967 received in the corresponding period in 1939.

A special report for the Third New York (Broadway) District shows that collections in May dropped more than \$78,000, amounting to \$511,700 against \$590,147 in April, but were nearly \$19,700 above the \$492,012 collected in May, 1939.

Films, Radio to Air Wage and Hour Term

WASHINGTON, June 20.—Representatives of the film, radio and television industries were invited tonight by Wage and Hour Administrator Philip B. Fleming to present their views on the definition of the terms, "executive" and "administrative" as used in the Fair Labor Standards Act, at a hearing to be held July 25.

The purpose of the hearing is to determine which employees should be exempt from the maximum hour provision of the law. Representatives of the Wage-Hour division are now in Hollywood for a personal investigation of the various types of jobs which the producers contend should be exempt from the hour provisions of the law. They are expected to complete their study within a few days and to make a full report to Fleming well in advance of the hearing.

Film Editors Guild Elects Michon Head

The newly organized M.P. Film Editors Guild, an organization of local newsreel, production and free lance cutters and film librarians, has elected its first officers. John Michon, News of the Day, was named president; Benjamin Loweree, Movietone News, vice-president; Joseph Castilone, News of the Day, secretary; and Jack Bradford, March of Time, treasurer. Joseph J. H. Vadala, Universal; Norman Reinhart, News of the Day; Jay Bonafield, Pathe, and Mark Asch were named to the public relations committee. The membership committee consists of James Sweeney, Universal; Nathaniel Braunstein, Imperial Pictures; Russell Shields, Movietone; Harold Bonafield, Pathe; and Charles Wolf.

The Guild has 84 members, it was said. Laboratory Technicians, Local 702, claims to have jurisdiction over the same field.

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and
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to the Motion
Picture
Industry

MOTION PICTURE DAILY

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Brief,
Accurate
and
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NEW YORK, U.S.A., MONDAY, JUNE 24, 1940

TEN CENTS

Demand FCC Prevent Alien Net Ownership

Senate Committee Delays Action on Brown

WASHINGTON, June 23.—Demand that the FCC take steps to assure that no stocks of American broadcasting corporations fall into the hands of aliens was made by the Senate Interstate Commerce Committee at a second hearing late last week on the nomination of Thad H. Brown to continue as a member of the FCC.

Chairman Burton K. Wheeler of the committee charged that the Commission had been derelict in carrying out provisions of the Communications Act requiring it to keep informed of changes in station ownership.

At an executive meeting immediately after the hearing, no decision was reached on Brown's appointment, and it was announced that no further action will be taken until next month.

Information Group Is Named by Allied

CHICAGO, June 23.—The executive board of Allied States at the concluding session of the convention on Friday here named the committee to operate the new Bureau of Information. The members are: Arthur Howard, New England; Sidney Samuelson, New Jersey; John Rossiter, Indiana, and Pete Wood, Ohio. Headquarters of the group will be in Philadelphia. The bureau will distribute information on film buying terms.

Cards will be sent to Allied members asking them: whether product is sold on flat rental or percentage; how rentals compare this year with previous years; whether product is being sold more or less rapidly in comparison with other companies. The committee plans product survey meetings. Each unit will hold similar meetings, with the results passed on to the national group. The basic purpose is the elimination of alleged discrimination against exhibitors.

The bureau is expected to function within two weeks. The information thus made available to members is expected to supply what Col. H. A. Cole, president, described as "a wall of resistance against the distributors and producers."

The meeting closed Friday night with a banquet, at which James J. Walker was toastmaster. Honored

(Continued on page 3)

Allied Sees Reforms From Decree Talks

Chicago, June 23.—Allied expects at least partial reforms to be realized by the industry from the present efforts in New York to write a consent decree in the New York anti-trust suit, it was officially observed here, as the 11th annual convention of the organization came to a close Friday night.

It has been stated that Abram F. Myers, general counsel for Allied, has conferred with Government attorneys in that suit and presented to them the views of his organization regarding the case. No definite policy has been formulated by Allied regarding sales conditions, other than providing information on terms, it has been officially stated here, until the terms of the consent decree are revealed in this regard.

F&M Ends St. Louis Operators' Walkout

St. Louis, June 23.—A strike called by Operators Local 143 here against Fanchon & Marco and St. Louis Amusement Co., tying up all but one major film house and 24 neighborhood theatres, was settled Friday afternoon, about 24 hours later, when F & M withdrew two libel suits against the union and its officers.

The suits, for \$200,000 and \$75,000, grew out of picketing of theatres last winter in the union's factional dispute. They were dismissed on instructions of Harry C. Arthur, F & M vice-president, who is in New York.

The strike is understood to have been called by Frank Stickling, I.A.T.S.E. representative of Elgin, Ill., who issued a 24-hour ultimatum on his arrival here last Wednesday. The I.A. claimed that the pending litigation had prevented final windup of the local's Circuit Court receivership.

Meanwhile, it is learned that many

(Continued on page 3)

Coast Flash

LOS ANGELES, June 23.—A last minute hitch in the expected settlement of the Central Casting employees' strike developed over the weekend and indications are that the final adjustment of the dispute might be effected today. The main stumbling block was the studios' insistence that casting directors should not be included in the union shop demanded by the AFL.

CONGRESS PASSES NEW FEDERAL TAX; 10% OVER 20 CENTS

Television Set At Republican National Meet

PHILADELPHIA, June 23.—For the first time in history, television will bring to thousands along the Eastern seaboard actual views of a major political conclave with the televising of the Republican National Convention which starts here tomorrow.

Three stations will carry the proceedings, which will be visible by television about 250 miles north of Philadelphia and some 75 miles South.

A cable 108 miles long from convention headquarters to the Empire State Building in New York will carry the view to W2XBS, the NBC station, from where it will be telecast.

General Electric's W2XB, near Schenectady, will pick up the W2XBS signal and re-transmit it. The Philco station, W3XE, Philadelphia, in co-operation with Mutual, will also televise the convention.

Newsreel, radio and television staffs have converged here to cover the big meeting. Microphones at each state delegation will be used jointly by all three.

Networks will operate on a minute-to-minute program basis. While it is believed that the convention can be handled with a minimum of commercial program cancellations, all stations are prepared for instantaneous shifts with important developments.

Reaction Changes Titles About War

HOLLYWOOD, June 23.—Pointing to adverse box-office reaction to titles indicating war pictures, 20th Century-Fox and Republic have announced title changes. "I Married a Nazi" has been changed by 20th Century-Fox to "The Man I Married." Republic announced it is seeking a new title for "The Refugee," originally "Doctors Don't Tell."

Republic also has decided to turn out light entertainment in view of the war news. The studio has temporarily shelved "Lady From New Orleans," heavy drama, as its next big film, and will make "Hit Parade of 1940."

Theatres to Pass Levy on To Public; Viewed As 'Obligation'

By SAM SHAIN

The nation's billion-dollar defense bill with its provision for a 10 per cent tax on admissions beginning at 21 cents was passed by Congress over the weekend. Thus the way has been paved for an upward revision of box-office scales throughout the country, in all theatres charging 21 cents admission or more. Many theatres which hitherto had never been subject to a Federal amusement tax will come under the new tax provisions. The new tax becomes effective July 1. It is expected to yield several million dollars more revenue than the Treasury anticipated.

General exhibitor sentiment, according to a survey of the country, is that the new tax is looked upon as a "patriotic obligation"—not a "nuisance tax," and that there will not be much public objection to the impost. Also, that the tax will be passed on to the customer, rather than being absorbed by the theatres.

While there are some localities where the view is held that business may fall off with the start of the new

(Continued on page 3)

Tobey Accuses FCC On CBS-Para. Deal

Washington, June 23.—The 1932 deal by which Paramount Publix resold to CBS the interest it had acquired in the network earlier was cited by Senator Charles W. Tobey late last week as an instance in which the FCC had been derelict in carrying out provisions of the Communications Act requiring it to keep informed of changes in station ownership.

Senator Tobey, during a Senate committee hearing, charged that as a result of the deal a number of CBS officials made a profit of \$1,000,000 in Paramount Publix stock while a dozen minority stockholders not in on the deal failed to benefit.

Trade Assisting in Canada War Drive

TORONTO, June 23.—A gigantic campaign has been launched by the film industry in Canada to assist the Dominion Government in its war effort by raising a \$1,000,000 fund through the sale of 25-cent war savings stamps in lieu of admissions to all theatres throughout the country for a special performance Sunday evening, July 14, under the sponsorship of the Canadian Picture Pioneers.

The campaign committee, under the chairmanship of N. L. Nathanson and representing all branches of the industry, has been in touch with Hollywood to obtain the personal appearance of screen stars on that evening in key cities.

The general campaign is in the hands of W. M. Gladish as manager at Toronto headquarters. Clair Hague is vice-chairman of the campaign by reason of the fact that he is the head of the sponsoring body, the Canadian Picture Pioneers.

Fitzgibbons, Hanson West on War Effort

TORONTO, June 23.—J. J. Fitzgibbons, vice-president of Famous Players Canadian Corp., and O. R. Hanson, president of Empire-Universal Films, Ltd., left for Hollywood tonight to obtain the active cooperation of producers and stars.

Para., Dumont Given Voice in Majestic

CHICAGO, June 23.—Paramount and the Dumont Television Laboratories will have a voice in the affairs of the new Majestic Radio Co., as Judge John Barnes in Federal Court yesterday indicated approval of the Majestic company's reorganization plans, which encompass participation in Majestic's business affairs by the film and television companies.

Judge Barnes indicated that he will sign the reorganization papers on Tuesday. Among the board directors selected for Majestic are Allen B. Dumont, Elmer C. Upton and Paul Raibourn. Raibourn is an official of Paramount and a director of Dumont. Dumont heads his company and Upton is an official of Balaban & Katz, Paramount's Chicago theatre subsidiary.

Alexander Korda Week Set by U.A.

United Artists has set the week of June 27 as National Alexander Korda Week, with a nationwide exploitation campaign planned. U. A. will release nine of Korda's films in more than 25 key cities.

The films are: "The Private Life of Henry VIII," "Catherine the Great," "The Scarlet Pimpernel," "Sanders of the River," "The Ghost Goes West," "Storm in a Teacup," "Elephant Boy," "The Divorce of Lady X" and "Drums."

Suspend House License

The license of the West End Theatre on West 125th St., where a number of patrons were injured by falling plaster last week, has been suspended and the building has been declared unsafe by the Department of Housing and Building.

Personal Mention

ALEXANDER KORDA arrived in New York from Europe Saturday on the *Atlantic Clipper*. He plans to leave for the Coast today or tomorrow.

WILLIAM F. RODGERS, M-G-M general sales manager, returned from Chicago over the weekend.

JOSEPH H. MOSKOWITZ of 20th Century-Fox arrives on the Coast today from New York.

WILLIAM C. GEHRING, Central division manager for 20th Century-Fox, leaves tonight for Chicago and Detroit.

STANTON GRIFFIS, chairman of the Paramount executive committee, is spending a brief vacation in Massachusetts.

EDWARD C. CAHILL, RCA Telephone division manager, and MAX C. BATSEL, chief engineer, are due back from Hollywood, in about a week.

PAUL SCHLATTERMUND, Universal's manager for Egypt, has arrived in New York for home office conferences.

A. L. PRATCHETT, Paramount Central American manager, will leave for Havana within the next few days.

ELLIOTT KRONISH, assistant to HARRY F. SHAW, Loew-Poli division manager in New Haven, is vacationing in the Midwest.

FOREST THORNHILL, assistant manager of the Esquire, Kansas City, and LORETTA BRUCE of the Tower Theatre stage company, were married last week.

RKO Holds Farewell Luncheon for Lebor

A farewell luncheon was tendered John F. Lebor of RKO's real estate department Friday at the Abbey Hotel by his associates in RKO prior to his departure to become assistant to the executive vice-president of the York Ice Machinery Corp., York, Pa.

Among those present besides Thomas F. O'Connor, who is assuming Lebor's duties, were: Malcolm Kingsberg, W. J. Merrill, Leon Goldberg, L. E. Thompson, O. R. McMahon, Max Fellerman, Harry Mandel, David P. Canavan, W. B. England, C. B. McDonald, Sol Schwartz, Louis Goldberg, H. R. Emde, A. E. Reoch, Al Dawson, Milton L. Maier, Harry Pimstein, William Zimmerman, Louis Jaffe, Garrett Van Wagner, William F. Whiteman, John E. Redmond, Emanuel Waxburg, Kenneth B. Umbreit, A. S. Calvin, John A. Farmer, Charles A. Fretz, H. E. Newcomb, Henry H. Horton, Jacob S. Yeransian, Arthur J. Kirwan, Charles M. Whitney, W. G. Graham and Charles F. Horstman.

Archie Mayo Drops Suit

HOLLYWOOD, June 23. — Archie Mayo's suit against Samuel Goldwyn seeking relief from a contract which called for him to direct a film in England has been settled out of court.

W. W. HODKINSON, founder of Paramount Pictures Corp., distributor of Famous Players' product, and now retired, is here from his New Mexico home for a Long Island fishing trip.

WILLIAM A. SCULLY, Universal general sales manager, and WILLIAM J. HEINEMAN, Western sales manager, will return today from the Midwest.

MR. and MRS. LEO SPITZ leave today for the Coast.

FRANK V. KENNEBECK, Paramount Far Eastern manager, who has been at the home office the past week, will leave for the Coast within the next few days en route back to India.

ADOLPH SCHIMEL, Universal home office attorney, has moved to Connecticut for the Summer.

EUGENE SHARIN, vice-president of Fortrade Corp., has returned from the Coast.

RUDOLPH ALLEN, attorney and Eastern representative for B. B. RAY, independent producer, has left for the Coast.

JACK CARR, assistant manager of the Paramount, Des Moines, and JEANINE ROBINSON will be married Aug. 17.

NATHAN LAMPERT, theatre owner in East Hampton and Colchester, Conn., has left for Miami Beach.

CHARLES EINFELD, director of advertising and publicity for Warners, leaves for the Coast today after a four-week visit in the East.

Sues Over Use of 'Fifth Column' Title

Ernest Hemingway, Benjamin F. Glazer and the Theatre Guild, Inc., filed suit Friday in the N. Y. Supreme Court against Film Alliance of the United States, Inc., and Midtown Theatre Corp., operator of the Rialto, claiming the defendants' use of a title, "Fifth Column Squad," for a film is endangering current negotiations for the sale of screen rights to Hemingway's play, "Fifth Column," at a price between \$100,000 and \$150,000.

Suit contends that Film Alliance is distributing and Midtown Theatre Corp. is exhibiting "Fifth Column Squad," an English film produced by British Productions, Inc., and formerly titled "Spies of the Air." Hemingway claims exclusive rights to the title "Fifth Column" and charges the defendants with unfairly competing. Hearing on an application for a temporary injunction will be held today. Maurice J. Speiser is attorney for the plaintiffs and Milton Maier for the defendants.

New Darmour Series

HOLLYWOOD, June 23.—A series of "Ellery Queen" films will replace the Jack Holt pictures on the Larry Darmour schedule for Columbia release. Darmour has signed Manfred B. Lee and Frederick Dannay to write the screenplays.

Public Wants Light Films, Study Shows

Des Moines, June 23.—A study by Tri-States Theatres has shown that the motion picture public in this territory is showing a definite reaction against heavy dramatic pictures. Executives note an increased demand for the lighter films.

The circuit's patrons have been asked to express their opinion on the elimination of war news from the new reels.

Games Have Revival Through Wisconsin

MILWAUKEE, June 23.—Theatre games are staging a revival in theatres in the state. Locally, the Fox is offering "Lucky Seat" nights at the Varsity on Fridays and Saturdays, with the award at more than \$100.

In Green Bay, Standard Theatres conducts Bank Quiz at the Strand and Country Store at the Packer, both on Friday nights. The Eastwood in Madison observes Quiz Nite on Wednesdays, while the Rialto in Kaukauna stages Bank Quiz Fridays and Saturday nights. The Rivoli in La Crosse conducts Old Style Treasure Chest on Fridays with more than \$100 as the prize.

Review Game Case In Ohio Next Fall

COLUMBUS, June 23.—The Ohio Supreme Court will review the Bank Night case when it reconvenes in the Fall, and pass upon the question of its constitutionality.

The case involves a suit by a taxpayer in Troy, O., against Troy Amusement Co., for \$510 damages and admission refund, and discontinuance of Bank Night at the Mayflower, in Troy, on ground that it violated the Ohio lottery law. The lower courts found in favor of the plaintiff.

Jewel Hart Married To Joseph H. Cohn

Joseph H. Cohn, son of Jack Cohn, Columbia vice-president, was married on Saturday to Jewel Hart of the Broadway stage. Supreme Court Justice Ferdinand Pecora officiated.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Toronto Operators Volunteer Services

Toronto, June 23.—Members of the Toronto Operators Union have offered their services to the Canadian Government in any technical capacity for which they are fitted in the war effort without remuneration during their spare time.

A committee of the Toronto local of the I.A.T.S.E. has been organized for the national service.

Information Group Is Named by Allied

(Continued from page 1)

Guests were James Petrillo, new American Federation of Musicians president, and Thomas Burke, head of the Theatrical Janitors' Union here.

Allied Retains Stand On New Admission Tax

CHICAGO, June 23.—Allied unanimously resolved to stick by its position previously taken on the Federal tax situation, that the lower exemptions were too onerous, despite a telegram received by that body from Spyros Skouras, and which was termed as an "answer" to Allied's position.

In a statement issued by the organization it was stated:

"Based on information imparted at this ex-parte hearing, the Senate Committee adopted the idea of taxing the low admissions but made the rates more onerous and left the 10 per cent tax on higher admissions."

Seek Elimination of Low Cost Pictures

CHICAGO, June 23.—Allied States, in the closing session of its meeting here on Friday, passed resolutions condemning the release by distributors of 16mm. films and condemning double and triple features. They asked the producers to eliminate low cost, double bill films.

A committee appointed to confer with distributors on the matter includes: Sidney Samuelson, Roy Harrold, Ray Branch and Abram F. Myers.

Freeman at Meeting Of Para. Partners

Y. Frank Freeman, Paramount studio head, accompanied home office theatre executives to Old Point Comfort, Va., over the weekend for a meeting of the company's theatre associates in the Southern territory.

The meeting is being held in advance of the convention of M.P.T.O. of Virginia, which will open at Old Point Comfort today.

Moredall Sued on Signs

Moredall Realty Corp., operator of the Capitol Theatre, was named defendant Friday in a patent infringement suit filed in the U. S. District Court by Frank C. Reilly, Ltd., electric sign company. The defendant is charged with manufacturing and using the plaintiff's patent, registered in 1930, and described as "a new pattern sheet controlled mechanism for illuminable signs." An injunction, accounting and damages is asked.

Congress Passes New Tax With 10% Above 20 Cents

(Continued from page 1)

tax, this slowing down is expected to disappear soon as the public gets used to it.

No delay in preparing the theatres for imposition of the new tax is expected as the trade as well as the public has been constantly aware that such a tax was impending.

Previously the House had offered a bill starting the tax at 30 cents, and the Senate that it start at 10 cents. The new provisions for starting the tax at 21 cents is a compromise reached in conference.

A cross-section view of how the trade looks upon the new tax follows:

Albany Policy Not Set

ALBANY, June 23.—Both circuit and independent exhibitors in this territory are waiting to see what the other fellow does before forming a new policy with regard to the new Federal tax. The first runs, which are mainly affiliated houses, are awaiting word from their home offices.

Buffalo to Pass Tax On

BUFFALO, June 23.—Consensus among distributors here is that when the new Federal amusement tax goes into effect it will be passed on to the customer. This will bring a parallel to World War days when odd figure admission scales were common.

Providence to Pass It On

PROVIDENCE, June 23.—The general consensus of theatre opinion here is that the tax will be passed on to the public.

Kinney to Determine Stand

CHARLOTTE, June 23.—High officials say that there will be a meeting of the Kinney organization in a few days to determine upon what action the circuit should pursue on admission scales with regard to the new Federal tax on amusements.

Pass on Cincinnati Tax

CINCINNATI, June 23.—Present indications are that the majority of exhibitors in this territory will pass the Federal admissions tax on to the public. This, in effect, will be tantamount to increasing admissions. Exhibitors feel that the tax may result in a slowing down in attendance, at least at the outset, which was the condition when the 10 per cent Ohio admission tax was added to the price of tickets, when this amount was designated by the state at the time the tax law originally was enacted some few years ago.

Des Moines Theatres Wait

DES MOINES, June 23.—The new tax on admissions will affect nearly all theatres in the state. Circuit operators here feel that they must await the judgment of their home offices before taking any action. The independents express themselves as wishing to wait before making a decision. Tri States theatres is making a poll of its managers in regard to the matter and will withhold action.

Worried in K. C. Area

KANSAS CITY, Mo., June 23.—Business has not been very good here the past 10 weeks and exhibitors are wor-

ried about the effect of the new taxes. There is a difference of opinion among them here and in western Missouri-Kansas sector. Many of the exhibitors believe that the public has already accepted the idea of increased taxes and that they will not hurt business any more than did the state sales tax when the latter was inaugurated. It is the general belief here that theatres will pass on the tax to the public just as they do now the state sales tax. Admissions all over this territory are considered low and the exhibitors say they are not contemplating to absorb a heavy tax, such as the new tax will be.

Undecided in Miami

MIAMI, June 23.—Wometco and Paramount theatre circuit, as well as independent exhibitors, are as yet undecided as to what they will do about boosting prices.

To Pass on Philadelphia Tax

PHILADELPHIA, June 23.—General opinion of all exhibitors here is that the new Government levy will be passed on to the public, in much the same manner as the public will have to bear any other tax measures because of the Federal emergency appropriations. Warner theatres circuit here has never absorbed any taxes and circuit officials see no reason why they should absorb this one, pointing out that this new measure is hardly a "tax," rather, an "obligation." "It is an obligation and not a tax that the country is placing on individuals," explained one Warner zone manager. "While there may be some complaints at the beginning, they will be definitely in the small minority, chronic complainers regardless of whether it is a tax or something else."

Warner officials say that lowering of admission prices to avoid the tax would be tantamount to avoiding an "obligation" at a time when every citizen fully recognizes the necessity for it. In fact, they, admission prices, are too low already, and if anything, should be revised upwards.

Springfield Policy Undecided

SPRINGFIELD, Ill., June 23.—Circuit theatre operators in this area are awaiting word from their home offices. The small independent exhibitors have assumed an attitude of watchful waiting to see what the circuits will have answered as to new scales. The impression here is that the independents will make theirs conform.

Canada Watching Closely

TORONTO, June 23.—Leaders of the trade in Canada are watching with interest the tax developments in the United States. There has been little or no change in admission scales noted in the Dominion since the outbreak of the war, with the Ontario Government particularly deciding to refrain from a ticket tax revival in this province.

The Dominion Government's budget, the second since the opening of hostilities, is expected to create a direct levy on theatre patronage in addition to that of the provincial government. However, it is believed here by some that any move in the States might prove to be a call for action in Canada.

20th-Fox Quits All Producing Abroad Until After the War

Discontinuance of 20th Century-Fox production in England until the end of the European war was disclosed by the company's home office on Friday.

The decision was made following reports received from Robert T. Kane, British production head, on his return to New York recently. Kane described the production outlook as "almost impossible" on his arrival here.

Ben Miggins, European manager for 20th Century-Fox, has established his headquarters at Lisbon, Portugal. This is the second major company to establish European headquarters there, Reginald Armour of RKO having opened offices in Lisbon on his return to Europe from a home office visit recently.

Robert A. Kreier, assistant to Miggins, is in Spain completing a survey of that market.

F&M Ends St. Louis Operators' Walkout

(Continued from page 1)

independent neighborhood houses in the city and suburbs may be closed by mid-July because of a wage dispute with the union and poor business.

Fred Wehrenberg, president of the M.P.T.O. of St. Louis and co-owner of 25 neighborhood theatres, said he had given his operators two weeks' notice. He said he understood about 35 other M.P.T.O. member houses may close for the summer.

Seek Approval for New Texas Station

WASHINGTON, June 23.—Application for a construction permit for a new broadcasting station, to operate on 1,370 kilocycles with 250 watts power, has been filed with the Federal Communications Commission by Butler Radio, Inc., Tyler, Tex.

Applications also were filed by WHN, New York, for a change of frequency from 1,010 to 1,050 kilocycles and increase of power from 1,000 watts night, 5,000 watts day, to 50,000 watts, and WKZO, Kalamazoo, Mich., for increase of day power from 1,000 to 5,000 watts.

The commission announced that on July 11 it would hear oral argument on the application of the Bellingham Broadcasting, Inc., for a new 1,200-kilocycle station at Bellingham, Wash., with 100 watts night, 250 watts day, and the renewal of the license of Station KVOS, Bellingham, whose facilities are sought by the former.

George Pratt Dies

WASHINGTON, Ia., June 23.—George E. Pratt, 84, operator of a theatre at Winfield, Ia., since 1911 until his retirement a few years ago, died of a heart attack at a local hospital.

New Amplifier Out

Victor Animatograph Corp., Davenport, Ia., has developed a new amplifier which, it is claimed, can accommodate two sound projectors and as many as eight speakers.

WNEW First AP Service User in N. Y.

Associated Press, in line with a new policy to make available its news service to radio stations on a full commercial basis, on Friday signed the first 24-hour service in New York City with WNEW. The service can be used by WNEW for commercial sponsors without the usual credit to AP, and can be used for sustaining programs and bulletins as well.

Within the next week or two, AP will cancel all its present contracts with stations and networks receiving the service free of charge, it was disclosed. About a year and a half ago, AP offered its service to all radio stations gratis provided that full credit be given to AP on all broadcasts, that such broadcasts not be sold to sponsors, and that all sustaining programs use AP news exclusively. Six months ago AP permitted newspaper-owned stations which were AP members to sell AP news programs to sponsors on a limited basis. After its annual convention last April, AP announced that its service would be available for purchase by stations in somewhat the same method used by other news agencies.

At present, stations can buy AP news through a member newspaper only, but this will be changed in the near future, it was disclosed. WNEW made the purchase through the New York Daily News. Thirty-five stations owned by member newspapers have taken advantage of the AP deal and ten other stations, including WNEW, have arranged it through newspapers' cooperation. In the metropolitan area, WOR also is negotiating for a contract, it was said.

Arthur Shepard Dies

OTTUMWA, Ia., June 23.—Arthur Shepard, widely known radio figure in Iowa, and a salesman for WMT, Cedar Rapids, and a forum conductor for that station until forced to resign by ill-health a short time ago, died at his home here from a heart ailment.

Attack Station Sale By Col. Knox to NBC

Washington, June 23.—Sale of radio stations at inflated values was singled out for comment by Senator Charles W. Tobey at a Senate hearing late last week.

Senator Tobey referred to the payment by NBC of \$625,000 to Col. Frank Knox, named Secretary of the Navy by President Roosevelt last week, for a half interest in WMAQ, Chicago, the physical property of which was valued at \$44,728 at the time of the sale in 1934.

Commissioner Thad. H. Brown, replying, said that the legal division of the FCC had written an opinion that it could not refuse approval of a transfer simply because the price seemed unreasonable.

Hollywood Review

"Tom Brown's School Days"

(RKO)

HOLLYWOOD, June 23.—Excelling their "Swiss Family Robinson" by such wide margin as to prompt the suggestion that that film be forgotten in exploitation approach to this one, "Tom Brown's School Days" is a high credit to the Gene Towne-Graham Baker production organization, to the book the story derives from, to the actors and others engaged in its manufacture and to the screen. It is a sound and solid piece of entertainment based on a memorable book and dealing intelligently with school boys who are to become men and the responsibility of those men who have the preparation of boys for the obligations of manhood directly in hand, the instructors in the classrooms.

Scene of the Thomas Hughes' novel here brought brilliantly to the screen is Rugby, time 1842, and graphically shown in the introduction of student government by Dr. Thomas Arnold, greeted by his associates as a radical and revered by them later on as a pioneer. The story of what Dr. Arnold achieved is told in terms of the experience of the fictional character named in the title, and the experiences are those of a school boy as typical of 1842 and 1940 as is scorn for snitch or grind. Full of incidents alternately amusing and grave, the film slips smoothly along its way with its thoughtful side effectively brought forward at agreeable intervals, never over-emphasized but always gratifyingly present.

Sir Cedric Hardwicke is splendid as the headmaster who rids Rugby of ill repute by changing its students' standards. Jimmy Lydon makes a name for himself among the juveniles of the screen by his portrayal of the name role, Freddie Bartholomew matching him scene for scene. Billy Halop, Hughie Green, Alec Craig, Ernest Cossart, Ian Fulton, Josephine Hutchinson, Polly Moran and Gale Storm are other principals in a large cast.

Robert Stevenson, British director making his American start, has a fine film to his credit, as have Walter Ferris and Frank Cavett, who collaborated with Towne and Baker on the screen play.

Running time, 81 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

Wood to Direct 'Foyle'

HOLLYWOOD, June 23.—Sam Wood has been signed by RKO to replace Robert Stevenson as director of "Kitty Foyle," Ginger Rogers film.

Lab Chartered in N. Y.

ALBANY, June 23.—Mini-Film Laboratories, Inc., originally formed in Dover, Del., has filed in New York State.

Off the Antenna

APPROVAL of the expansion plans of Broadcast Music, Inc., was voted Friday at a joint meeting of the executive boards of National Association of Broadcasters, Independent Radio Network Affiliates, BMI, and representatives of National Independent Broadcasters. Methods of financing the plans were left to the discretion of the BMI board. The proposed Ascap contract was severely criticized but a detailed statement will not be issued until some time this week.

NAB NEWS: The National Association of Broadcasters executive board on Friday decided to keep San Francisco as the convention city for the annual meeting starting Aug. 5. Because of the war situation there had been some consideration of moving the meeting nearer East.

New methods of selling time, merchandising, promotion, legislative problems and policy on war broadcasts were considered during late last week at a New York State division meeting of the N.A.B. in Rochester.

Contributions from the radio industry to the Greater N. Y. Fund total \$40,703 thus far this year, Niles Trammell, NBC executive vice-president and chairman of the radio broadcasting section, disclosed yesterday. Firms contributed \$35,413 and employees \$5,290. "While this figure is almost double the sum given last year, we are by no means finished and the Fund can expect much more," Trammell said.

Purely Personal: Lenox R. Lohr, NBC president, has invited all the network's employees to his Tarrytown estate July 4, in accordance with his annual custom. . . . Kenneth L. Watt, director and producer of "Musical Americana," disclosed yesterday that the program will originate from New York instead of Pittsburgh and will be heard Tuesdays instead of Thursdays beginning July 2. . . . Mary Marvin Breckinridge, former CBS foreign correspondent, was married last week to Jefferson Patterson, first secretary to the American Embassy in Berlin. . . . Leon Jason, WMCA engineer, was married to Esther Bookbinder Saturday. . . . Tom A. Hudson has joined WMCA as announcer. . . . Major Paul C. Raborg is WHN's new military commentator.

Twelve Film Players To Be In CBS Series

Twelve high ranking film stars and a score of leading comedians, singers, writers and directors drawn largely from Hollywood will participate in a new eight-week radio series With "Forecast" over the entire CBS network, beginning Monday, July 15. On the schedule are 12 half-hour shows and two full-hour programs, all based on different ideas.

On each of six Monday nights at 9 o'clock there will be a half hour show from New York and a half hour broadcast from Hollywood at 9:30. There will also be one full hour show from New York and another from Hollywood.

The first program will feature Fred-eric March and Florence Eldridge from Hollywood and Raymond Paige, Albert Spalding, Frankie Hyers and symphonic and jazz orchestras.

The series is under the direction of W. B. Lewis, CBS vice-president in charge of broadcasts. He will be assisted by George Faulkner in New York, with Charles Vanda in charge of the Hollywood productions.

Those who will participate in the series include:

Actors: Herbert Marshall, Loretta Young, Margaret Sullivan, Charles Laughton, Elsa Lanchester, Gertrude Lawrence, Donald Cook, Burgess Meredith, Frank Craven, Walter Hampden, Martha Scott, Ruth Gordon.

Comedians: Edward Everett Horton, Danny Kaye, Ed Gardner, Eddie Greene, Robert Coote, Jed Prouty, Arthur Q. Bryan, Colonel Lemuel Q. Stoopnagle.

Singers: Paul Robeson, John Boles, Mary Martin, Joan Edwards, Gertrude Neilsen, Woody Guthrie, the Golden Gate Quartet, the Eva Jessys Choir.

Writers: Sinclair Lewis, Booth Tarkington, Norman Corwin, George Faulkner, John Houseman, Helen Deutsch, P. G. Wodehouse, John Whedon, John Tucker Battle, Keith Fowler, Margaret Barclay.

Directors: Alfred Hitchcock, John Houseman, George Zachary, Norman Corwin, Earle McGill, Brewster Morgan, Davidson Taylor.

Conductors: Lynn Murray, David Broekman, Harry Salter, John Kirby, Bernard Herrmann, Mark Warnow, Howard Barlow.

Powell at Frisco Fair

SAN FRANCISCO, June 23.—Dick Powell will open next week as star of the new "Revue of Nations," twice-daily free extravaganza presented at the Fair on Treasure Island. More than 100 are in the cast. Preparations for a week-long Independence Day spectacle are underway, with Andy Devine and Lum and Abner signed as stars.

Fabian Deal Nearly Set

Five-year extension of the three-way pool under which Si Fabian operates the Paramount, Fox and Strand in Brooklyn is near to closing. An agreement on a new deal has been reached in principle, and it is expected to be concluded in a day or two.



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VOL. 47. NO. 124

NEW YORK, U. S. A., TUESDAY, JUNE 25, 1940

TEN CENTS

Progress Seen In Third Week Of Suit Talks

But No Agreement Yet On Any Point

Conferences between defense attorneys and Department of Justice representatives on proposals for settlement of the Government's New York anti-trust suit entered their third week yesterday without agreement on any of the subjects discussed thus far.

However, participants for both sides emphasized that this could not be construed as presaging failure of the attempts to effect a settlement or that an impasse had been reached on any important subject so far taken up. It was stated that satisfactory progress is being made, despite the shortened daily conference sessions, now limited to three hours each. However, considerable progress is being made outside these main sessions by a conference subcommittee.

Trial of the suit is on Judge Henry W. Goddard's calendar for tomorrow but the Government will ask another adjournment of the case at that time, probably for another week or 10 days, to permit the settlement conferences to continue.

Coast Flashes

HOLLYWOOD, June 24.—Central Casting Corp. officers workers' strike went into its second week today as the A.F.L. union and producers continued to seek an amicable adjustment. A tentative agreement reached late last week has been rejected by the union. Mrs. Elma Goodwin, the union's business representative, scored a S.A.G. order to extras and other members to walk through the picket lines should the studios be picketed.

Warners today announced it will roadshow "The Sea Hawk," starring Errol Flynn. It will follow "All This, and Heaven Too" at the Carthay Circle here and will have a two-a-day showing in New York.

Two plagiarism suits were filed against Warners today. William Milan seeks \$1,250,000, alleging his material was used in "The Angels Wash Their Faces." Hans Relfisch wants \$750,000 for alleged plagiarism in "The Life of Emile Zola."

Court Jurisdiction Affirmed in Ascap Washington Case

TACOMA, June 24.—Ascap won another legal victory in its long campaign to have the Washington anti-Ascap legislation declared unconstitutional when Special Master Archie E. Blair over the weekend issued his long awaited report finding that the Federal statutory court here has jurisdiction in the Ascap case.

The initial action was tried before a three-judge Federal statutory court three years ago this month on the issue of the state law's constitutionality. The Federal court waited one whole year before handing down a finding that it did not have jurisdiction in the case because, the court claimed, Ascap had not shown that the required juris-

(Continued on page 4)

F. & M.-Union Pact Runs Three Years

ST. LOUIS, June 24.—The wage contract signed here between the projectionists' union and Fanchon & Marco, as an aftermath of the strike which closed 27 houses, will run until June 21, 1943. The strike was ended when F. & M. agreed to withdraw two damage suits against the union.

The new wage pact provides for a five per cent increase at once, an in-

(Continued on page 4)

Wanger Says Crisis In Duals Now Here

HOLLYWOOD, June 24.—Walter Wanger, producer, today added his voice to the swelling volume against double bills, endorsing the stand taken by David O. Selznick, Samuel Goldwyn, Barney Balaban, Y. Frank Freeman and Harry Brandt.

Declaring that "a crisis in the double feature evil has been reached," Wanger said he believes exhibitors now agree that the existence of the business depends on the "immediate discontinuance of the double feature policy."

N.Y. Theatres To Pass Tax On to Public

While national circuit policies on the new Federal tax on admissions of 21 cents or over had not been developed to any conclusive stage up to yesterday, it appears fairly certain that Greater New York theatres will pass the tax along to the public. For the time being, at least, few changes in admission scales will result.

Representatives of national circuits

(Continued on page 4)

U.S. Radio in Defense Role; No Plans for Films as Yet

WASHINGTON, June 24.—Plans for the establishment of a committee to coordinate broadcasting and communications activities under the national defense program are expected to be recommended to President Roosevelt this week by the Federal Communications Commission.

The committee will be composed of representatives of the Commission and the State, War and Navy departments, possibly with representatives also of one or two other Federal agencies directly interested, and probably with members of the broadcasting industry serving in an advisory capacity.

The proposed plan does not envisage government control of broadcasting but, rather, of the development and coordination of facilities so that it would be possible, at any moment, for the Government to reach

(Continued on page 26)

WASHINGTON, June 24.—The Administration was said today to have no plans for involving the motion picture industry in the national defense program at the present time.

Current coordination activities are aimed at the elimination of "bottle-necks" impeding a steady and adequate flow of defense materials. The motion picture industry is not connected with that program, nor does it enter into the communications picture, where plans are on foot for erecting safeguards against interruption.

Officials suggested that a distinction should be made between the present situation, where the country is undertaking a speedy rearmament for defense, and a situation such as would occur in the event of war. At the present time, the effort is to carry out the defense program with a minimum of interference to normal activities.

\$60,000,000 New Revenue Due from Tax

Compromised to Protect Small Theatres

WASHINGTON, June 24.—The compromise Federal admission tax of 10 per cent on admissions above 20 cents, passed by the Senate and House on Saturday, is expected to raise an additional \$60,000,000 annually, the House was told by Rep. Allen T. Treadway.

He declared the adoption of the Senate proposal, with an exemption set at nine cents, would have been a "serious blunder," because it would have taxed every child attending a theatre. The conference report was approved by the House with little debate and without formal vote, and in the Senate by a vote of 45 to 21.

Senator Pat Harrison told that body that the compromise between the Senate committee's nine-cent exemption and the House 30-cent exemption had been accepted to protect the small theatres. The new measure becomes effective July 1, and runs to June 30, 1945.

The text of the amusement tax pro-

(Continued on page 4)

Mono. Move to Coast In Year: Johnston

HOLLYWOOD, June 24.—W. Ray Johnston, president of Monogram, today disclosed his company has plans under way for the transfer of its headquarters to Hollywood. Johnston said this is expected to take place within a year. The foreign department will continue to function in New York.

Johnston's statement followed circulation of reports here that he would take personal charge of production. He emphasized that the contract of Scott R. Dunlap as vice-president is for complete charge of production.

Korda Will Resume Coast Filming Soon

Alexander Korda, who left for the Coast by plane immediately after his arrival here from Europe by *Clipper* last weekend, plans to resume production in Hollywood in the near future, he stated prior to his departure. He will formulate his future production plans immediately upon his arrival on the Coast.

For the present, he said, he has no definite plans for production in Canada, as has been reported.

Only 3 Indianapolis First Run Theatres

Indianapolis, June 24.—This city (population 386,170) will have only three first run houses in operation the rest of the Summer. The 3,200-seat Indiana closed at the end of last week's run. Manager Kenneth Collins said it would reopen early in the Fall. Also closed for the hot weather is the 1,100-seat Apollo.

Lapidus Honored At Pittsburgh Affair

PITTSBURGH, June 24.—Jules Lapidus, newly appointed Universal district manager, was the guest of honor here tonight at a testimonial dinner at the William Penn Hotel, with 225 local film and theatre men in attendance.

From the Universal home office, F. J. A. McCarthy, Eastern sales manager, attended. W. A. Scully, general sales manager, was forced to cancel the trip because of the pressure of business. Speakers at the dinner included: McCarthy, Dave Miller, district manager, with headquarters in Cleveland; Peter Dana, who has replaced Lapidus as exchange manager here; M. A. Rosenberg, president of the local M. P. T. O.; Harry Kalmine, Warner Theatres zone manager here; John Harris, chief barker of the Variety Club, and C. J. Latta.

The dinner committee included: Kalmine, Harris, (co-chairmen), Rosenberg and the managers of all local exchanges. Lapidus will have headquarters in New York.

'Safari' Week Gross Estimated at \$38,000

Heavy rains all day yesterday brought Broadway box-offices up after a poor weekend. "Safari," with Rochester and Red Skelton's band on the stage at the Paramount drew an estimated \$18,000 for Saturday and Sunday and should end its first week tonight with an estimated \$38,000. It will be held.

At the Roxy "The Doctor Takes a Wife" with a stage show drew an estimated \$19,000 for the first three days of its second week. Also in its second week, "Our Town" with a stage show at the Music Hall drew an estimated \$45,000 for the first four days. "Tom Brown's School Days" will open at the Music Hall on Thursday while "Sailor's Lady" goes into the Roxy on Friday.

"Brother Orchid" with Jimmy Dorsey's band on the stage at the Strand drew an estimated \$13,000 for the first three days of the third week. "The Man Who Talked Too Much" will open there Friday. "The Lone Wolf Meets a Lady" drew an estimated \$3,500 at the Globe and was followed on Saturday by "Lucky Cisco Kid."

Czech Film Banned

"Merry Wives," Czech film which received an award at the Venice Film Exposition in 1938, was rejected yesterday by the N. Y. State Education Department on moral grounds. Edgar E. Lloyd, distributor of the film, said he would appeal.

Personal Mention

HERMAN WOBBER, general sales manager of 20th Century-Fox, is expected to remain at the studio until about the middle of July.

GUS SCHAEFER, newly appointed RKO home office sales executive, returned to New York yesterday from Havana after winding up his business affairs there. He is scheduled to leave for Boston tomorrow on a brief business trip.

W. K. HOLLANDER of Balaban & Katz, Chicago, is in town for Paramount home office conferences.

BOB WILBY of the Wilby-Kincey circuit is here for a brief business visit.

WILLIAM A. SCULLY and W. J. HEINEMAN of Universal have returned from Chicago.

Mr. and Mrs. CORMAK G. KEENEY (he is manager of the Park, Reading, Pa.) will celebrate their 25th wedding anniversary at the Reading Country Club on July 2, at which time the engagement of their daughter, DOROTHY, will be announced.

RUTH ROVNER, daughter of ABE ROVNER, Philadelphia exhibitor and active in U.M.P.T.O. circles, was married to AL KRAFTSOW in Philadelphia last week.

HELEN M. MALONEY, cashier at the Comerford, Scranton, Pa., was married to JOSEPH J. GANZ in St. Peter's Rectory, Scranton, last week.

MOE LEITOFF of Metropolitan Photo Service, will marry SYLVIA NEUFELD on July 4, at the Ocean Parkway Jewish Center.

CHARLOTTE MCGUIGAN, secretary to HARRY F. SHAW, Loew-Poli New Haven division manager, drives to Pennsylvania July 3, planning visits in Harrisburg, Pittsburgh and Newcastle.

MRS. WALTER FUTTER has arrived from abroad.

CHARLES EINFELD, Warner's director of advertising and publicity, left for the Coast yesterday.

Bioff Files New Plea for Freedom

CHICAGO, June 24.—William Bioff, I.A.T.S.E. leader in Hollywood, made a new move today for freedom from his six months' sentence which he is serving in House of Correction here. Walker Butler, a new attorney in the case, filed application for writ of habeas corpus in Criminal Court, alleging that the complaint against Bioff did not set forth any charge which could legally constitute an offense under the Illinois laws. Chief Justice John Prystalski will rule Friday on the application.

Balaban Back from Va.

Barney Balaban, president of Paramount, returned yesterday from Old Point Comfort, Va., where he attended a meeting of the company's theatre associates in the Southern territory.

MORT BLUMENSTOCK, in charge of Warner advertising and publicity in the East, is in South Bend today conferring with Notre Dame officials on "The Life of Knute Rockne."

GEORGE WEST returned yesterday from the Coast, reporting that his car was demolished in an accident in California.

MAURICE and ARTHUR SILVERSTONE, EUGENE PICKER and LOU WEINBERG at Lindy's (next to the Rivoli) yesterday.

PAT CASEY, WILLIAM F. RODGERS, CHARLES E. MCCARTHY, GEORGE SKOURAS, J. J. UNGER, ARTHUR HOPKINS and SIDNEY PHILLIPS at Nick's Hunting Room in the Astor for lunch yesterday.

HENRY R. DANZIGER, office manager at the New York Film Board of Trade, will attend the graduation of his daughter from high school today and that of his son from public school tomorrow.

JOSEPH MOSKOWITZ, JOSEPH PINCUS, HARRY BRANDT, JACK GOETZ and J. J. MILSTEIN lunching at Linly's (51st St.) yesterday.

JOHN D. HERTZ, JR., ALEC MOSS, HAROLD ORLOB, ARTHUR KRIM, JOHN GOLDEN and LEE SHUBERT lunching at Sardi's yesterday.

CHARLES COHEN of the M-G-M publicity department is on a week's vacation.

FRED SCHAEFER, head of RKO's pressbook department, is on vacation, motoring through New England with Mrs. SCHAEFER.

GEORGE M. COHAN has been elected to serve his third term as president of the Catholic Actors Guild. GENE BUCK remains as first vice-president.

THOMAS MCCARTHY, manager of the Penn, West Reading, Pa., became the father of a daughter last week.

ANDY ROY, Strand Theatre manager in Albany, has returned from his vacation.

Rites Held for John Gatelee, I.A. Leader

SPRINGFIELD, Mass., June 24.—Funeral services were held here today for John F. Gatelee, 55, I.A.T.S.E. representative in New England, who died Friday in Maine. A widely known labor leader, he was business agent for the IA local here 28 years and for five years was president of the Massachusetts Federation of Labor. He was active in negotiating the first contract for the film exchange employees' union. Last year he represented George Browne, IA president, at the studios.

Donate Day's Gross

St. JOHN, N. B., June 24.—Demerson & Vassiss, operating the Empire here, donated the gross receipts on June 20 to the Imperial Order, Daughters of the Empire Bomber Fund to offer a bombing plane, fully equipped, to the British Air Force.

Honor Boasberg At Buffalo Dinner

BUFFALO, June 24.—Charles Boasberg, new RKO East Central district manager, and Elmer F. Lux, his successor as branch manager here, were feted tonight at a testimonial dinner in the Terrace Room of the Hotel Statler.

Ned E. Depinet, vice-president in charge of RKO distribution, at the banquet announced the winners with 1940 Ned Depinet Drive as follows: Buffalo, first; Milwaukee, A. N. Schmitz, manager, second; New Haven, Barney Pitkin, manager, third; New Orleans, P. M. Baker, manager, fourth; Portland, M. E. Cory, manager, fifth.

Among the 250 members of the industry from this district who attended were: A. W. Smith, Jr., RKO sales manager, who was toastmaster; Sid Lehman of United Artists, general chairman; Vincent McFaul of Shea Theatres, Nicholas Basil of Basil Theatres, Charles Hayman of the Lafayette Theatre; Gus Lampe, Syracuse city manager for RKO; Jay Golden, William Cadoret and Charles Freedman of RKO, in Rochester; John Nolan, John Roberts and Harry Spiegel, of Comerford, Scranton, and Tom Walsh, of Comerford, Binghamton.

Also, Meyer and Louis Schine, George Lynch, Lou Goldstein and Lou Lazar, of Gloversville; Bert Stearn, United Artists, Cleveland; Milt Kussell, district manager for Paramount; George Roberts, district manager for 20th-Fox in Cleveland.

Also, Bob Mochrie, RKO; Ralph Maw, M-G-M; Bob Wolff, RKO; Herbert McIntyre, RKO; John Wood, March of Time; Moe Silver, Warner theatres zone manager, Albany; Judge Joseph J. Kelly, William Mahoney, attorney. Assemblyman Harold B. Ehrlich and Paul FitzPatrick, Democratic leader.

Nizer Will Address Associates on Suit

The Neely bill and developments in the Government's New York anti-trust will be discussed by Louis Nizer, attorney, at a special meeting of the Motion Pictures Associates Friday at the Hotel Astor. Jack Ellis will preside.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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McClintic Suing For 'Lynton' Share

Guthrie McClintic has filed suit in the N. Y. Supreme Court for 50 per cent of the \$167,000 damage award recently won from M-G-M by Edward Sheldon and Margaret Ayer Barnes, who had claimed that Metro's "Letty Lynton" was an infringement of their play, "Dishonored Lady." McClintic as producer of the play on Broadway asserts that he is entitled to half of the amount paid for film rights, which he says in this case is the amount awarded on the infringement charges.

Lawyers say this is the first case of its kind on record. Attorney Louis Nizer represents McClintic.

Dramatic Guild Pact Faces Delay to Fall

Despite the recent revival of interest in the Dramatists Guild minimum basic agreement by the League of New York Theatres, there is little possibility that there will be any official discussion before the Fall, Guild officials stated yesterday.

The agreement does not expire until March 1 and the Guild's committee has not yet met to consider any changes, it was pointed out. The likelihood of obtaining a committee quorum before Labor Day is decidedly remote, it was said. However, it was added that the Guild attorneys are studying the contract and the required 60-day notice to terminate the contract at the end of five years unquestionably will be given by both sides.

The League is reported to have drawn up about 30 suggestions for changes in the next contract but none has been revealed. The proposal to permit film companies to purchase rights prior to production of the play was described by a Guild official as "quite dead." It was pointed out that the Guild adopted the proposal but the managers have declined to take any action on it.

Opposition arose from many small managers who asserted that the film companies would be likely to appoint their own managers and that manuscripts would be submitted to the latter rather than those now active along Broadway. This phase of the contract will probably come in for revision. Other points include the managers' request for an increased share from 40 to 50 per cent of the price paid for film rights, and revision of an author's control over characters he creates which are used in sequels.

A move to eliminate the League as a factor in the contract has been started by John Golden. Golden proposed that a new managers' organization be started which will have greater control over its members than the League now has. The Guild council has indicated to Golden that it will negotiate with such new group if it can obtain sufficient membership.

20th-Fox Buys Play

HOLLYWOOD, June 24.—"The Light of Heart," London stage play by Emyln Williams, has been bought by 20th Century-Fox for Fall production.

Hollywood Reviews

"Millionaires in Prison"

(RKO)

HOLLYWOOD, June 24.—The story of "Millionaires in Prison" is laid entirely within the walls of a prison and it shows the regeneration of five millionaire prisoners, jeered at by their fellow convicts at first and then cheered. Lee Tracy is the convict leader who brings about the changes. Linda Hayes supplies the slight romantic interest. Others in the cast include Raymond Walburn, Morgan Conway, Truman Bradley, Virginia Vale, Cliff Edwards, Paul Guilfoyle, Thurston Hall, Chester Clute.

Howard Benedict was the associate producer under Lee Marcus. Lynn Root and Frank Fenton wrote the screen play from a Martin Mooney story. Ray McCarey directed.

Tracy in the role of a convict leader pretends to join a plot of two of the new convicts to swindle the prison inmates, but forces them to buy back their worthless stock at a gain for the investors. Another pair of millionaires are forced to donate \$40,000 for an experiment of a Malta Fever serum effected by the fifth millionaire. As a result, Tracy is paroled.

Running time, 63 minutes. "G."*

VANCE KING

"The Captain Is a Lady"

(M-G-M)

HOLLYWOOD, June 24.—Presented in a tale which is well supplied with ingredients of action, sentiment and humor, the cast of "The Captain Is a Lady," includes Charles Coburn, Beulah Bondi, Virginia Grey, Helen Broderick, Billie Burke, Dan Dailey, Jr., Helen Westley and Marjorie Main.

The story is that of a retired sea captain who finds himself, through circumstances hinging on the loss of his money, living with his wife in a home for "retired ladies." Humor derives from that and the characterizations in the piece, action from the captain's rescue of his former sailing vessel.

Harry Clark wrote the screenplay from the play, "Old Lady 31," by Rachel Crothers and the novel by Louise Forsslund. Produced by Frederick Stephani, the picture was directed by Robert B. Sinclair.

Running time, 70 minutes. "G."*

W. S.

*"G" denotes general classification.

Pine Will Produce New Picture for C. B. DeMille

HOLLYWOOD, June 24.—WILLIAM H. PINE will produce, under C. B. DeMille's aegis, a story which he wrote himself, concerning two screen stars caught in a foreign war. MADELEINE CARROLL, now somewhere in France, and ROBERT PRESTON will be co-starred. "Gay Be Our Laughter" is the present title of the film. . . . Supporting JOE E. BROWN in Columbia's "So You Won't Talk" are FRANCES ROBINSON, VIVIENNE OSBORNE, TOM DUGAN, DICK WESSEL and others. EDWARD SEDGWICK is directing from RICHARD FLOURNOY's original script. . . . JOY HODGES has been signed by Monogram to play opposite FRANKIE DARRO in the tentatively titled "All Around the Town." . . . ROBERT ARMSTRONG has been given the top role in "Service with the Colors," U. S. Army short being produced by Warners. . . . Paramount has changed the title of "Down Went McGinty" to "The Great McGinty," because of a fear that customers might think it a war picture.

Republic has signed ONA MUNSON to a term contract, her next picture to be "Lady from New Orleans," which has been postponed for some time. . . . A series of poems written by VIRGINIA VAN UPP, film writer, has been put into book form for early

publication. . . . ANDREW L. STONE, producing and directing "There's Magic in Music," at Paramount, will use, in addition to a regular orchestra, one musical group composed entirely of stringed instruments and another made up completely of "brasses."

The address by HARRY M. WARNER, attacking subversive interests, has been printed in pamphlet form for distribution to exhibitors, Warner employees all over the world and others. The pamphlet bears the title "United We Survive, Divided We Fall." . . . GENE MARKEY is on his way to Washington to confer with BONNIE BAKER and ORRIN TUCKER, band leader, concerning their appearance in a musical feature to be made by MARKEY for a major release. . . . OCTAVUS ROY COHEN is at M-G-M working on his untitled original with a prize fight background.

Next picture for JEANETTE MACDONALD and NELSON EDDY at M-G-M will be "Bittersweet," which W. S. VAN DYKE II will direct. . . . FLORENCE RICE will play opposite RICHARD DIX in "Cherokee Strip," Sherman-Paramount. . . . Paramount's "Texas" is now "Texas Rangers Ride Again." . . . BILL BLOWITZ has joined Warners' publicity staff.

Coast Spurts; 64 Films Are Now Shooting

HOLLYWOOD, June 24.—Unprecedented production activity marked this week's schedules, as 18 pictures finished and 16 started, to set a new mark in recent months of 64 features put before the cameras. Twenty are being prepared, and 75 are being edited. The tally by studio:

Columbia

Finished: "The Howards of Virginia," "Five Little Peppers at School," "The March of Crime," "The Pinto Kid."

In Work: "Arizona," "It Happened in Paris," "He Stayed for Breakfast," "So You Won't Talk."

Started: "Deadwood Dick," "Thundering Frontier," "Before I Die."

M-G-M

In Work: "Strike Up the Band," "Escape," "The Bad Man of Wyoming," "Duley," "Golden Fleecing."

Monogram

Finished: "Kid Reporters," "Boys of the City."

Started: "Rainbow over the Range," "Around the Town," "Shadows Over Chinatown."

Paramount

Finished: "Rangers of Fortune," "Rhythm of the River."

In Work: "Victory," "The New Yorkers."

Started: "Cherokee Strip," "There's Magic in Music."

RKO

Finished: "Men Against the Sky," "One Crowded Night."

In Work: "Lucky Partners," "Dance, Girl, Dance," "Laddie," "Stranger on the Third Floor," "They Knew What They Wanted."

Started: "Too Many Girls," "Wildcat Bus," "Triple Justice."

Republic

Finished: "Sing, Dance, Plenty Hot," "The Ranger and the Lady," "The Tulsa Kid."

In work: "Should Wives Work?"

Started: "Oklahoma Skies," "King of the Royal Mounted."

Roach

Finished: "Captain Caution."

Small

In work: "Kit Carson," "Son of Monte Cristo."

20th Century-Fox

Finished: "The Return of Frank James."

In Work: "Brigham Young," "The Great Profile," "For Beauty's Sake."

Universal

In Work: "Spring Parade," "When the Daltons Rode," "Margie."

Started: "Argentine Nights," "A Little Bit of Heaven," "Son of Roaring Dan."

Warners

Finished: "The Man from Fleet Street," "Money and the Woman."

In Work: "City for Conquest," "The Letter," "Tugboat Annie Sails Again," "Ladies Must Live," "Flowing Gold."

Sig Neufeld

Finished: "Billy the Kid Outlawed."

\$60,000,000 New Revenue Due from Tax

(Continued from page 1)

vision of the National Defense Revenue Act reads as follows:

"Section 1700 (A) (1) of the Internal Revenue Code is amended by striking out 'until July 1, 1941, is less than 41 cents' and inserting in lieu thereof 'until July 1, 1940, is less than 41 cents, and after June 30, 1940, and before July 1, 1945, is less than 21 cents' and by striking out 'is less than 41 cents, until July 1, 1941,' and inserting in lieu thereof 'is less than 41 cents until July 1, 1940, and is less than 21 cents after June 30, 1940, and before July 1, 1945.'"

Skouras Defends Position on Taxation

CHICAGO, June 24.—Text of the telegram sent to the Allied States convention here late last week by Spyros Skouras, head of National Theatres, relative to the Federal admission tax proposals, was disclosed here over the weekend.

Skouras defended his advocacy of a plan to be presented to the Senate for an admission tax of one cent on admissions up to 25 cents. He said he had discussed the suggestion with Abram F. Myers, Allied general counsel, in Washington and that Myers had wired him that he was not in favor of the plan. Skouras declared his belief that the lowered exemption was in the "best interests of the entire industry and particularly the small town operator."

The lowered exemption, Skouras contended, would raise first run admissions and consequently aid the subsequent run and small town operators.

Formulate British Tax Plans Today

LONDON, June 24.—The Cinematograph Exhibitors Association and the Kinematograph Renters Society will meet independently tomorrow to consider the tax situation in view of the Government ultimatum that the film industry is expected to contribute approximately \$18,000,000 in additional taxes to the country's war effort.

The C. E. A. tax committee will meet tomorrow morning to formulate a plan for ratification at an afternoon session of the general council. It is understood the majority of the membership favor a scheme for an all-around admission increase, carefully graded. An industry tax increase of 100 per cent has been indicated.

One C. E. A. group is believed to favor a percentage tax on theatre grosses, which would compel the distributors to share the burden. Whatever decision is made will be presented to the tax officials of the Government, as agreed upon. The Government has indicated the amount it expects, but has left the method of raising the revenue to the industry.

Kaley Musical Head

SAN FRANCISCO, June 24.—Charles Kaley, formerly of Fred Waring's Pennsylvanians, has replaced Al Belasco of Chicago as musical director of the Golden Gate Theatre.

Help Red Cross Fund

Boston, June 24.—Instead of holding their annual outing, members of the 20th Century-Fox Club here donated \$50 to the Red Cross Fund. The girls will devote one evening a week doing Red Cross work.

F. & M.-Union Pact Runs Three Years

(Continued from page 1)

crease of 2½ per cent the second year, and another 2½ per cent raise the third year. Operators in the large downtown theatres receive \$100 weekly and the scale in neighborhood houses runs between \$50 and \$80 weekly.

F. & M. issued a statement over the weekend, declaring, "We have been forced to give up our legal rights because of an obligation to the St. Louis Amusement Co. (for which F. & M. operates 24 houses), which was no party to the suits dismissed, and because 'George White's Scandals' at the St. Louis Theatre stood to lose several thousand dollars if we did not accede to the demands of the union and forsake our right to be heard in court."

Chauncey B. Nelson, personnel director for F. & M., indicated that one of the three major houses controlled by the circuit here—Fox, Missouri and Ambassador—may be closed for the Summer because of poor business. Which theatre it will be has not been determined.

Rochester, 'Wolf' \$30,000 in Detroit

DETROIT, June 24.—"The Lone Wolf Meets a Lady" and a stage show headed by "Rochester" Anderson brought \$30,000 to the Fox. Business at the other theatres was about average.

Estimated takings for the week ending June 20:

"Four Sons" (20th-Fox)
"High School" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: \$5,000. (Average, \$5,000)
"Buck Benny Rides Again" (Para.)
"Seventeen" (Para.)
FISHER—(2,700) (15c-55c) 7 days. Gross: \$6,800. (Average, \$7,000)
"The Lone Wolf Meets a Lady" (Col.)
Rochester and stage show
FOX—(5,000) (20c-55c) 7 days. Gross: \$30,000. (Average, \$15,000)
"Brother Orchid" (W. B.)
"Two Girls on Broadway" (M-G-M)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: \$12,000. (Average, \$12,000)
"The Ghost Breakers" (Para.)
"Edison, the Man" (M-G-M)
PALMS—(2,000) (15c-50c) 7 days. Gross: \$7,000. (Average, \$7,000)
"Irene" (RKO)
"Florian" (M-G-M)
UNITED ARTISTS—(2,000) (15c-55c) Gross: \$8,500. (Average, \$10,000)

Named Ross Manager

PHILADELPHIA, June 24.—W. A. Warner has been promoted to branch manager of Ross Federal Research Corp. and Fred P. Fielding to sales manager of the local branch.

Metro Buys Original

HOLLYWOOD, June 24.—M-G-M has bought an original story by Virginia Van Upp and Patterson McNutt, "Come Live With Me," the story of a refugee. Clarence Brown will direct.

Court Jurisdiction Affirmed in Ascap Washington Case

(Continued from page 1)

dictional amount of a minimum of \$3,000 was involved in the case.

Ascap appealed to the U. S. Supreme Court on the jurisdictional issue and the high court directed the statutory court here to hear testimony on the jurisdictional question. The court assigned Special Master Blair to hear this testimony. The jurisdictional issue was heard last October, with Herman Finkelstein of Schwartz & Frohlich, Ascap's New York counsel, representing the society.

Special Master Blair's report, just issued, found that there was no question that the required \$3,000 jurisdictional amount was involved in the case through Ascap's business done within the state. The society may now ask the statutory court for a final ruling on the question of constitutionality on the basis of testimony already taken, and without further hearings.

A delay in the case may result, however, from the fact that Federal District Judge Cushman, a member of the statutory court which heard the case originally, has since retired and his successor has not been appointed yet. Judge Cushman wrote the opinion for the court on the subject of lack of jurisdiction.

Ascap has not experienced a single setback in its court contests attacking the constitutionality of state legislation against the society.

The legal force opposing Ascap at the hearings before the Special Master included John Belcher, assistant attorney general; B. Gray Warner, county prosecuting attorney; Kenneth Davis, attorney for an intervening radio station; Clark Bellknap, attorney for an intervening theatre, and Alfred J. Schweppe.

Stock Purchase in G. T. E. Is Reported

WASHINGTON, June 24.—Acquisition in April of 400 shares of General Theatres Equipment Corp. capital stock by R. B. Larue, New York, was reported tonight by the Securities and Exchange Commission.

The semi-monthly summary of the S. E. C. showed also the transfer by H. Bayard Swope, New York, CBS director, of 1,000 shares of Columbia Class A common stock from direct ownership to the Keewaydin Corp., to be held for his benefit.

Consolidated Team Leads

Consolidated Film Industries has regained its lead in the Motion Picture Baseball League, having won six games and lost one. Following, in order of ranking are: Paramount, Rockefeller Center, NBC, Skouras, M-G-M, International Projector and Universal.

N. J. Allied to Meet

A luncheon-meeting and "social evening" will be held by New Jersey Allied tomorrow at the Berkeley-Carteret Hotel, Asbury Park. A report on the National Allied convention and discussions on the new Federal taxes are on the agenda.

N.Y. Theatres To Pass Tax On to Public

(Continued from page 1)

expressed some concern over the possibility of 25-cent houses in many sections of the country reducing their price to 20 cents to avoid the tax. The danger of such a move, it pointed out, lies in the effect it will have on the admission scales of theatres charging up to 40 cents and over. These latter, it was suggested, may be forced to reduce their scales to overcome too great a price spread between first and subsequent runs in the event of any general tendency to duck beneath the 21-cent tax floor.

This possibility, it was said, is responsible for some of the indecision on policy among circuit operators, and in some sections is encouraging a waiting policy—waiting to see what the other fellow does.

On the whole, however, it appears that local business conditions and competitive situations will determine whether price levels remain where they are, or are lowered or increased, and also whether the tax will be absorbed or passed on.

In the metropolitan area, circuits look for little change in admission scales, either up or down, and believe that for the most part the tax will be passed along to the public. Business at this time does not warrant absorption of the tax by the theatre, it was said.

Frisco to Pass Tax to Public

SAN FRANCISCO, June 24.—The general feeling among downtown first run theatres here is that the new admission tax will be passed on to patrons, and that the ticket prices will be so adjusted that change-making will be as easy as possible. Smaller houses and neighborhood theatres also expect to pass along the tax.

Houses May Pay in Nebraska

LINCOLN, Neb., June 24.—Showmen in Nebraska lean more on the side of assuming the additional tax themselves than to passing it on to the public. The last war tax, they said, was levied when people had more money, so prices were usually raised five cents.

At present, however, they believe it will be in the interests of good business to assume it from the start.

Stress Defense in Albany

ALBANY, June 24.—The feeling here with respect to the new admission tax is that the public will be less likely to object to the levy if it is stressed that the tax is for national defense financing. It is apparently the intention here to pass the tax on to the public.

T. R. Williams Here

T. R. Williams, treasurer of the recently formed Century Pictures, of which Harry Wurtzel is a principal, arrived yesterday from the Coast for conferences at Paramount, for which Century is scheduled to make a film

Sack Gets Film

Alfred and Lester Sack of Sack Amusement Co. have closed for Screenshot Pictures' "War Angels" in the South.

WHY GIRLS

• Leave Home

... and MEN Follow



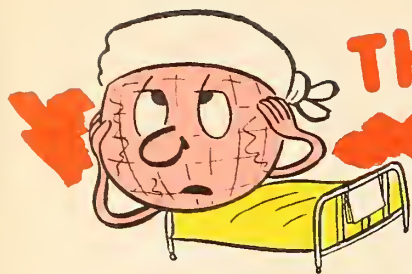
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They want ENTERTAINMENT!

PARAMOUNT



PICTURES FOR 1940-41



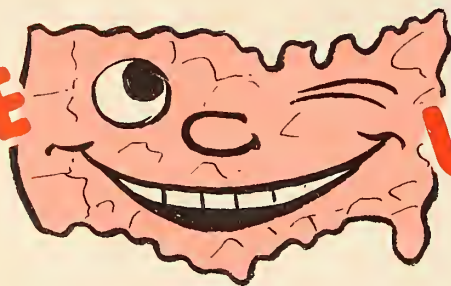
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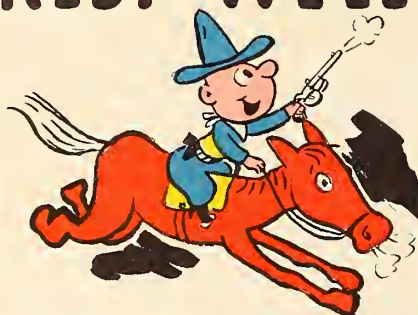
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AMERICA SMILING... LET



LECTURES. WE'LL CONTINUE TO BUCK

WITH



"BUCK", BING AND

SIGNIFICANT



DRAMA

WRITE

HEART THROBS — WE'LL GIVE THE

'EM WHAT THEY NEED AND WANT..

THE *PARAMOUNT* PRO

44 FEATURES - \$25,000,
An average production budget increase of

AN HONEST PROGRAM

HALE OF A HEADACHE — THANK

SMILE — OUR JOB IS TO KEEP



THE PROFESSORS GIVE THE DRY

TIDE OF HEAVY STUFF



BOB... WE'LL DUCK THE



WE'LL GIVE THE GIRLS



ENTS ACTION WE'LL GIVE



MUSIC AND LOVE AND LAUGHTER



GRAM for 1940-'41:

DOO IN ENTERTAINMENT...

more than \$100,000 a picture over previous years!

— WITH NO "B" PICTURES!

we're not
counterfeiters
...but we can
turn **MUSIC**
notes into
BANK NOTES



RHYTHM ON
THE RIVER

LOVE THY
NEIGHBOR

"ROAD TO
ZANZIBAR"

"KISS
THE BOYS
GOODBYE"

"DANCING
ON A DIME"

"Second
Chorus"

THERE'S MAGIC
IN MUSIC

A big musical starring
**ORRIN
TUCKER**
the "Oh, Johnny" band
and Bonnie Baker!

LIFT PAGE

The picture you've been asking for...
another "Trail of the Lonesome Pine."

"SHEPHERD OF THE HILLS"

IN TECHNICOLOR!

with an All Star Cast including
ROBERT PRESTON
BETTY FIELD
LYNNE OVERMAN

Screen Play by Frederick Hazlitt Brennan • Based on the Novel by Harold Bell Wright
Produced by STUART WALKER • Directed by HENRY HATHAWAY

The Four Musketeers of the Southwest
Three Tough Guys and a Girl!

"RANGERS OF FORTUNE"

FRED MacMURRAY
PATRICIA MORISON

Albert Dekker • Gilbert Roland
Dick Foran • Joseph Schildkraut
Betty Brewer

Original Screen Play by Frank Butler
Produced by DALE VAN EVERY
Directed by SAM WOOD

GEORGE MASTS

NORTHWEST MOUNTAIN POLICE

WELLS FARGO

UNION PACIFIC

TRAIL OF THE LONESOME PINE

The Strongest Line-Up of Big Box-Office Action Pictures
and Spectacular Out-of-Door Romances Even **PARAMOUNT**
Has Ever Offered!

Mary's heart belongs to CROSBY...

"RHYTHM ON THE RIVER"



Screen Play by Dwight Taylor • Based on the Story by Billy Wilder and Jacques Thery • Music by Johnny Burke and James V. Monaco
Produced by WILLIAM LeBARON • Directed by VICTOR SCHERTZINGER



BING CROSBY
MARY MARTIN
BASIL RATHBONE
OSCAR LEVANT

John Sefti Trotter
Lillian Cornell
Oscar Shaw

"ROAD TO SINGAPORE" ... next stop

"ROAD TO ZANZIBAR"



African laugh-again adventure!

starring

BING CROSBY
BOB HOPE
DOROTHY LAMOUR

Story by Don Hartman and Sy Bartlett
Produced by PAUL JONES

What a parade of stars! What a parade of hit songs!

Grace MacDonald • Robert Paige • Peter Hayes
Eddie Quillan • Frank Jenks • Virginia Dale
Carol Adams • Lillian Cornell • William Frawley

Screen Play by Maurice Ropt, Anne Morrison Chopin and Allen Rivkin • Based on the Story by Joe May, Billy Wilder, Jean Lustig and Max Koepke • Music by Frank Loesser, Burton Lane and Victor Young • Directed by JOSEPH SANTLEY



"DANCING ON A DIME"

Youth and Hit Music...

FRED ASTAIRE • PAULETTE GODDARD

"SECOND CHORUS"

with
ARTIE SHAW and his BAND

Story by Frank Cavett • A Barroa Morris-Robert Sillman National Pictures Corp. Production
A Barroa Morris Musical



America's Favorite Battlers of the Airwaves Matched
for the First Time in a Great Screen Laugh Battle!

JACK BENNY vs. FRED ALLEN in "LOVE THY NEIGHBOR"

(TENTATIVE TITLE)

Story by Zion Myers and Ernest Pagano
Produced and Directed by MARK SANDRICH



MARY MARTIN
VIRGINIA DALE
THE MERRY MACS
THERESA HARRIS
CARMICHAEL AND
ROCHESTER

KISS THE BOYS GOODBYE



The Broadway laugh hit by the author of "The Women"
...with new hit songs for Mary Martin!

starring

MARY MARTIN
RAY MILLAND

and
with Lillian Cornell • Virginia Dale

Screen Play by Harry Tugend • Based on the Play by
Clare Boothe • Produced by WILLIAM LeBARON

The "Boys Tawn" of musicals!

"THERE'S MAGIC IN MUSIC"

starring

ALLAN SUSANNA PATRICIA
JONES • FOSTER • MORISON

Screen Play by Frederick Jackson and Robert Lively • Based on an
idea by Ann Ronnell • Produced and Directed by ANDREW STONE



Producer-Director Andrew ("The Great Victor Herbert") Stone
has found another hit for you.

A Big Musical starring the "Oh, Johnny" Band and Bonnie!

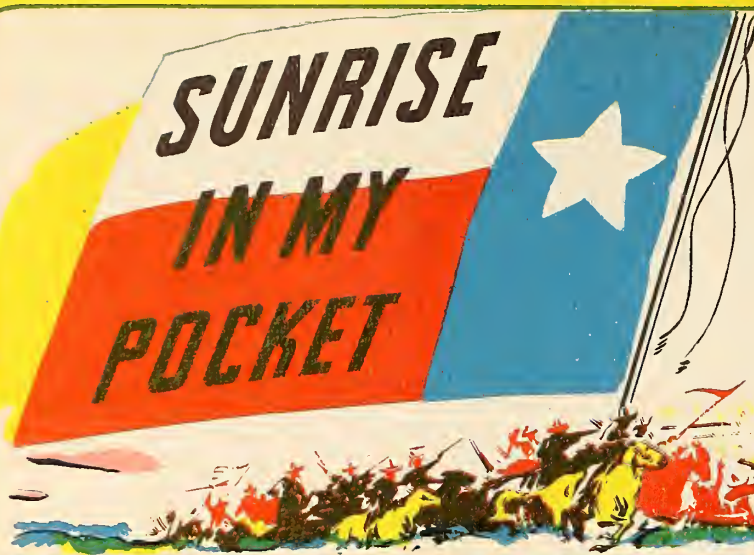
ORRIN TUCKER

and his BAND with BONNIE (Baby Voice) BAKER

who made "Oh, Johnny" a national anthem!



SUNRISE IN MY POCKET



Here's Director Henry Hathaway with another "Lives of a Bengal Lancer"

Edwin Justus Mayer's grand drama of that immortal American frontiersman, Davey Crockett. Imagine an Indian with a Harvard accent, a gentleman swindler, a lady with an amazing past... a retired pirate and Davey... imagine that strange quintet struggling across the wilderness to join the heroes who defended the Alamo against Santa Anna's invading hordes.



Screen Play by Frank Butler • Based on the Play by Edwin Justus Mayer • Produced by ANTHONY VEILLER • Directed by HENRY HATHAWAY

Heart-searing drama of the teakwood forests
with the emotional power of "Red Dust"!

"MOON OVER BURMA"



DOROTHY LAMOUR
ROBERT PRESTON
PRESTON FOSTER



Screen Play by Frank Wead • Based on the Story by Wilson Collison • Directed by LOUIS KING

America's modern heroes of the air!



RAY MILLAND in

"I WANTED WINGS"

Producer Arthur Hornblow, Jr. scoops the field for Paramount with the first big action picture dramatizing the most interesting, most exciting, most nationally important subject in America's hearts and minds today... the training and building of America's great Air Defense Corps... the flying sons of the U. S. A.

Screen Play by Beirne Lay, Jr. and Michael Fessier • Based on a Book by Beirne Lay, Jr. • Produced by ARTHUR HORNBLow, Jr.

"TEXAS!"

With their horses in trailers the
Rangers get their men...

Here's a brand new kind of big time Western adventure picture!

starring

ELLEN DREW and JOHN HOWARD

with May Robson • Akim Tamiroff
Broderick Crawford • Anthony Quinn



Original Story and Screen Play by William R. Lipman and Horace McCoy • Directed by JAMES HOGAN

A WILLIAM A. WELLMAN PRODUCTION

"The City That Never Sleeps"

(TENTATIVE TITLE)

The best seller "F. O. B. Detroit" has been used by Producer-Director Wellman as the basis for this great human interest screen play!

starring
BARBARA STANWYCK
JOEL McCREA
EDDIE BRACKEN



A heart-stirring drama of love and adventure!

"BIRTH OF A HERO"

with **WILLIAM HOLDEN • MARIA OUSPENSKAYA • ALBERT DEKKER**

Screen Play by Charles Brackett and Billy Wilder • Based on a Story by Brian Marlow and Thomas Monroe • Produced by ARTHUR HORNBLow, Jr. • Directed by MITCHELL LEISEN



The Amazing Drama of O. Henry's Life!

DOUGLAS FAIRBANKS, Jr. in

"The American Vagabond"

A Borros Morros-Robert Stillman National Pictures Corporation Production

One of the great westerns of all time...

"The Roundup"

A special presentation of the famous play with an all-star cast including **DON WILSON** as Sheriff Slim





**Gambling Lady
of the Old West!**



CLAIRE TREVOR in

"THE SILVER QUEEN"

Story by Wanda Tuchock and Frank Melford
Directed by ALLAN DWAN

Paramount's 1940 football picture!

"Touchdown!"

with **Wayne Morris • Virginia Dale • Lillian Cornell • Frank Fay**
Original Screen Play by Robert Pirosh • Produced by ANTHONY VEILLER



HARRY "POP" SHERMAN Rides Again... with Two Big-Time Westerns!



"CHEROKEE STRIP"

(TENTATIVE TITLE)

The famous chapter in Western history...when the Oklahoma Territory was opened to the land-hungry, hard-fighting sons of the Old West. Bernard McConville wrote the yarn.



Peter B. Kyne's

"PARSON OF THE PANAMINT"

Aces among the writers of two-fisted Westerns, Peter B. Kyne never turned out a faster-moving adventure story of the Old West than this drama of the two-gun "Parson of the Panamint."

As experts we believe you can't
beat this for **ENTERTAINMENT!**

L O V E

Radio's most popular heart-interest program
... becomes a grand screen drama!

"I WANT A DIVORCE"

starring

JOAN BLONDELL • DICK POWELL

with Gloria Dickson • Frank Fay • Jessie Ralph
Conrad Nagel

Screen Play by Frank Butler • Based on
a Story by Adela Rogers St. Johns
Produced by GEORGE ARTHUR
Directed by RALPH MURPHY



Two great stars in a modern "Farewell To Arms"

CLAUDETTE COLBERT and RAY MILLAND in "ARISE MY LOVE"

Screen Play by Jacques Thery, Charles Brackett,
Billy Wilder and Ketti Frings • Based on the Story
by Benjamin Glazer and John Szekeley
Produced by ARTHUR HORNBLow, Jr.
Directed by MITCHELL LEISEN

Speaking
of
hearts....

FLUTTER
this page!

Conrad's Great Drama of a Human Heart!

"VICTORY"

"AN ISLAND TALE" starring
FREDRIC MARCH and **BETTY FIELD**

with **SIR CEDRIC HARDWICKE** • Margaret Wycherly
Sig Rumann • Jerome Cowan • Fritz Feld • Lionel Royce

Screen Play by John L. Bolderston
Based on the Novel by Joseph Conrad
Produced by **ANTHONY VEILLER**
Directed by **JOHN CROMWELL**



ANOTHER BOX OFFICE "HURRICANE"
JON HALL
in
DOROTHY LAMOUR

"Aloma of the South Seas"

Based on the Play by John B. Hymer
and LeRoy Clemens • Produced
by **JACK MOSS** • Directed
by **STUART HEISLER**
*"By arrangement with
Samuel Goldwyn"*

IN TECHNICOLOR!



SKYLARK

starring **CLAUDETTE COLBERT** with **MELVYN DOUGLAS**

Based on the Play by Samson Raphaelson
Screen Play by Dwight Taylor
Directed by **MARK SANDRICH**



Elected the people's choice
for a long, long term! **HENRY ALDRICH!**
THE ALDRICH FAMILY
in
"LIFE WITH HENRY"

with **JACKIE COOPER**
Leila Ernst • Eddie Bracken • Hedda Hopper

Original Story and Screen Play by
Clifford Goldsmith and Don Hartman
Produced and Directed by
JAY THEODORE REED

The "Honeymoon in Bali" combination
brings you another Love Hit!

"THERE'S ALWAYS JULIET"

Starring **MADELEINE CARROLL** and
FRED MacMURRAY

Screen Play by Virginia Von Upp
Based on the Play by John Van Druten
Produced and Directed by
EDWARD H. GRIFFITH



Henry's Friend Dizzy takes a bow...

THE ALDRICH FAMILY

in
"HENRY and DIZZY"

with **JACKIE COOPER**
Eddie Bracken

A RECORD
DEBUT ALDRICH
PICTURE

"VIRGINIA"

The heart of today's Virginia!

starring **MADELEINE CARROLL**
FRANCHOT TONE • **FRED MacMURRAY**
with **LYNNE OVERMAN** • **CAROLYN LEE**

Original Screen Play by Virginia Von Upp
Produced and Directed by
EDWARD H. GRIFFITH



SHE LOVES TO BE *THRILLED* BY Paramount



Thriller of an ape with a human brain!

"THE AVENGING BRAIN"

with **ELLEN DREW • ALBERT DEKKER**

Screen play by Stuart Anthony • Directed by
STUART HEISLER • Produced by JACK MOSS



Basil plays a "Jekyll" and "Hyde" role in this heart chiller!

"A DATE WITH DESTINY"

starring **BASIL RATHBONE • ELLEN DREW • JOHN HOWARD**

with Barbara Allen (Vera Vague) • Ralph Morgan

Screen Play by Howard J. Green • Produced by
GEORGE ARTHUR • Directed by TIM WHELAN



Thriller of the sea . . .

"MYSTERY SEA RAIDER"

with

CAROLE LANDIS • HENRY WILCOXON • ONSLOW STEVENS

Screen Play by E. E. Paramore, Jr. • Based on a Story by Robert Grant
Produced by EUGENE ZUKOR • Directed by EDWARD DMYTRYK

ELECTED FOR A
5th YEAR ON THE
SUCCESS TICKET!

HOPALONG
CASSIDY

The Western fans Choice!



6 HOPALONG CASSIDYS

"THREE MEN FROM TEXAS"

(TENTATIVE TITLE)

"TIMBER WOLVES"

"DOOMED CARAVAN"

"THE BUCKAROO"

"PIRATES ON HORSEBACK"

"BORDER VIGILANTES"

Starring that great box office western star BILL BOYD with such Hoppy favorites as Russell Hayden in their doing and dying for that master producer of socko westerns, HARRY "POP" SHERMAN Andy Clyde will be featured in the above pictures.

CECIL B.

PRESENTS THE SATURDAY EVENING

"REAP THE

Millions of Saturday Evening Post readers from coast to coast
Eighteen Forties, and saying it has the making of a glorious movie
them. The Thelma Strabel story is ours for Mr. DeMille to give it

wreckers . . . and sailor braves

as screen material



Th

3

7,103,211 readers of The Saturday Evening Post are reading this sensational serial . . . appearing currently!

DE MILLE

GREATEST SUCCESS by THELMA STRABEL

WILD WIND"

...ing this adventure romance of Charleston and Key West in the roaring
...ure... And Paramount's great showman, Cecil B. DeMille, agrees with
...gic box office touch . . . And when we say it has sea wrecks and
... and all the color of a chapter of American history never before used
... plus a deeply human love story . . . well, get ready to reap plenty!

Greatest **TRADE NEWS** of This or Any Day!



BIG DEMILLE PRODUCTIONS IN **2** YEARS!

In addition to "Reap the Wild Wind" Mr. DeMille has promised to deliver for Paramount two other equally important pictures between now and the close of the '41-'42 Season.

86

SHORT SUBJECTS

12 MAX FLEISCHER
POPEYES
Tops in cartoon shorts... packed with a million laughs!

8 MAX FLEISCHER
GABBY CARTOONS
in Technicolor
The millions who saw "Gulliver" made "Gabby" a star!

13 GRANTLAND RICE
SPORTLIGHTS
Thrills in the world of sports... announced by Ted Husing!

6 UNUSUAL
OCCUPATIONS
In Cinecolor
Peeks into the private lives of people the whole world knows!

6 GLAMOUR TRAILS
in Technicolor
Your customers want to go places... take them there in your own theatre!

RAGGEDY ANN
A two-reel cartoon in color. Jammed with laughs and heart-interest... one of the biggest little hits you've ever played!

6 POPULAR SCIENCE
in Cinecolor
For the sixth year this ever-popular series continues to build audiences!

8 HEADLINERS
This series is hot—hot as the bonds it brings you... hot as the songs they swing you!

4 Single Reel
ROBERT BENCHLEY COMEDIES
A stand-out on any program... book it, advertise it... and watch the customers go for it!

10 MAX FLEISCHER
ANIMATED ANTICS
New gags... new tricks... new characters... Twinkletoes and the Three Spies are featured in a few!

6 Paramount
PARAGRAPHS
The top-notch series from which come that Academy Award Winner, "Busy Little Bears"!

6 MERRY MODELS
in Technicolor
Starring those uproarious, amazingly human new little figures in plastic.



By Arrangement with King Features Syndicate, Inc.

PARAMOUNT NEWS

104 ISSUES
TWICE A WEEK
EVERY WEEK



Wherever the news is... whenever the news breaks... you'll find a Paramount News cameraman... Scoop after scoop has proven Paramount News "First in war... first in peace... first in the hearts of the exhibitors!"

'Heaven' Gets Good \$18,000, Philadelphia

PHILADELPHIA, June 24.—The starting of the Robin Hood Dell concert series and the Barker Bros. circus, coupled with pre-convention excitement, kept grosses at average levels. Largest business was grossed by "All This, and Heaven, Too" with \$18,000 on an increased scale at the Earle. "The Mortal Storm" at the Stanley drew \$16,600.

Estimated takings for the week ending June 19-21:

"Saturday's Children" (W. B.)
"Typhoon" (Para.)
 ARCADIA—(600) (32c-42c-57c) 4 days, 2nd run, \$1,200; 3 days, 3rd run, \$1,200; 7-day average. Gross: \$2,500. (Average, \$2,600)
"My Favorite Wife" (RKO)
 BOYD—(2,400) (32c-42c-57c-68c) 7 days, 3rd week. Gross: \$8,900. (Average, \$13,000)
"Blondie on a Budget" (Col.)
 CARMAN—(2,500) (26c-32c-42c) 6 days. Vaudeville bill including Dick and Dottie Remy, the Hoffmans, Loretta Grey, Valentine Vox and Ruth Denning. Gross: \$3,200. (Average, \$5,200)
"All This, and Heaven, Too" (W. B.)
 EARLE—(4,000) (75c-\$1.14) 7 days. Gross: \$18,000. (Average, \$14,000)
"Waterloo Bridge" (M-G-M)
 FOX—(3,000) (32c-42c-57c-68c) 6 days, 2nd week. Gross: \$10,200. (Average, \$13,000)
"Earthbound" (20th-Fox)
 KARLTON—(1,000) (32c-42c-57c-68c) 7 days. Gross: \$2,500. (Average, \$3,000)
"Turnabout" (U. A.)
 KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: \$3,400. (Average, \$4,500)
"The Mortal Storm" (M-G-M)
 STANLEY—(3,700) (32c-42c-57c-68c) 7 days. Gross: \$16,600. (Average, \$14,000)
"Lillian Russell" (20th-Fox)
 STANTON—(1,700) (32c-42c-57c) 7 days, 2nd run. Gross: \$5,000. (Average, \$4,500)

Providence Is Led By 'Storm,' \$13,000

PROVIDENCE, June 24.—Stiff opposition from the Shrine Circus and Naragansett track cut into grosses. "The Mortal Storm" and "Over the Moon," dualled at Loew's State, took a good \$13,000.

Estimated takings for the week ending June 29-30:

"The Mortal Storm" (M-G-M)
"Over the Moon" (U. A.)
 LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross: \$13,000. (Average, \$11,000)
"Four Sons" (20th-Fox)
"Love, Honor and Oh Baby" (Univ.)
 MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: \$5,000. (Average, \$7,000)
"Women in War" (Rep.)
"Queen of the Mob" (Para.)
 STRAND—(2,200) (25c-35c-50c) 7 days. Gross: \$4,000. (Average, \$6,000)
"Marshal of Mesa City" (RKO)
"Isle of Destiny" (RKO)
 FAY'S—(1,800) (15c-25c) 7 days. Gross: \$2,800. (Average, \$2,500)
"Brother Orchid" (W. B.)
"Murder in the Air" (W. B.)
 CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,200. (Average, \$3,500)
"Florian" (M-G-M) (3 days)
"An Angel from Texas" (W. B.) (3 days)
"Buck Benny Rides Again" (Para.) (4 days)
"Til We Meet Again" (W. B.) (4 days)
 EMPIRE—(2,200) (20c-30c) 4 days, 2nd run. Gross: \$1,600. (Average, \$1,700)

W. B. Albany Outing

ALBANY, June 24.—Capital District Warner Theatre employs from the 10 district houses and the zone office of M. A. Silver will hold their seventh annual outing at Totem Lodge June 30. In charge of arrangements are Max Freedman, Warner Club president, Mrs. Ruth Milberg, secretary, and Jules Curley, advertising manager.

Hollywood Reviews

"Untamed"

(Paramount)

HOLLYWOOD, June 24.—Scheduled for release July 26, peak of the Summer, this color filming of a Sinclair Lewis story about men, women, blizzards, huskies and snowdrifts of the Far North affords showmen opportunity to promise their customers a dash of optical relief from sizzling temperatures. Cooling, too, are the vast and colorful back-grounds of mountain, stream and forest, shown as of Summer and Winter, photographed in pastel tones.

Enacted against this setting by Ray Milland, Patricia Morrison, Akim Tamiroff, William Frawley, Jane Darwell, J. M. Kerrigan, Fay Helm, Clem Bevans, Roscoe Ates, J. Farrell MacDonald and many others is the story that was "Mantrap," once produced as a more tempestuous fiction than now, at bottom a triangle plot presented here with the corners softened for family consumption.

Milland plays a city doctor who goes to the North woods to recuperate following a nervous breakdown and meets Miss Morrison, young wife of Akim Tamiroff, rugged French-Canadian guide. Thrown together, the young people fall in love but resist their emotion. Townsfolk tell Tamiroff his wife has run away with the doctor and he pursues them, learns they have been on an errand of mercy and become lost in a blizzard, rescues them, and freezes to death subsequently, leaving them free to wed.

Production is by Paul Jones, direction by George Archainbaud, with Frederick Hazlitt Brennan and Frank Butler supplying the script.

Running time, 84 minutes. "G."*

ROScoe WILLIAMS

"Dr. Christian Meets the Women"

(RKO)

HOLLYWOOD, June 24.—In this number of the Stephens-Lang series built on the character of the small-town Dr. Christian attention centers about the matter of reduction-diet courses as administered by itinerant quacks, a subject of lively interest to the women of any community and, as dealt with here, to the men as well. From this highly exploitable circumstances the film derives a quite separate and unique box-office value.

Jean Hersholt, Dorothy Lovett, Edgar Kennedy, Rod La Rocque, Frank Albertson, Marilyn Merrick, Maude Eburne, Veda Ann Borg and Lelah Taylor are the principals, with William Gould, Phyllis Kennedy, Bertha Priestley, Diedra Vale and Heinie Conklin in support. Kennedy as the long-suffering husband of the matron who sacrifices domestic calm in the interests of weight reduction, La Rocque as the polished quack and Miss Merrick as the girl who almost dies through following his reduction directions turn in excellent portrayals.

The screenplay by Marion Orth, an original, is a smooth narrative competently directed by William McGann.

Running time, 65 minutes. "G."*

ROScoe WILLIAMS

*"G" denotes general classification.

"Queen of the Mob"

(Paramount)

HOLLYWOOD, June 24.—"Queen of the Mob" is a dramatically gruesome picture which parallels the real life story of "Ma" Barker, who spawned a brood of criminals. In this Paramount picture, the chief characters are a woman leader of a gang, her four sons, three of whom join her criminal activities, and various other desperados. Third of the pictures to be made from J. Edgar Hoover's "Persons in Hiding," the film details the methodical operation of the F. B. I. and the subsequent killing and capture of the criminals.

The suspenseful screenplay by Horace McCoy and William R. Lipman is a melange of murder and crime. Blanche Yurka in her second film role (her first was in "Tale of Two Cities" some years ago) does an outstanding job of portraying the gang leader. Support is given by Ralph Bellamy and Jack Carson, as the F. B. I. men, and Richard Denning, James Seay, Paul Kelly, William Henry, Jean Cagney, J. Carrol Naish and Hedda Hopper.

James Hogan directed the Edward T. Lowe production effectively to obtain the maximum of thrills from the material. It is hardly a picture for children.

Running time, 61 minutes. "A."*

VANCE KING

*"A" denotes adult classification.

Union Election Set

NEW HAVEN, June 24.—Local B-41 of the exchange employees union will meet on Wednesday at the Hotel Garde, with Jack Mullen presiding, to elect officers and handle other matters.

Jimmy Lydon Now Star

HOLLYWOOD, June 24.—Jimmy Lydon has been promoted to a starring role in "Little Man," by Gene Towne-Graham Baker, as a result of his work in "Tom Brown's School Days."

'Ghost' Draws Good \$16,000, Leads Frisco

SAN FRANCISCO, June 24.—"Ghost Breakers," with "Lucky Cisco Kid," drew \$16,500 at the Fox. "His Favorite Wife" in the second week at the Golden Gate, took \$15,500.

Estimated takings for the week ending June 18-21:

"His Favorite Wife" (RKO)
 GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Stage: Vaudeville. Gross: \$15,500. (Average, \$15,000)
"Alias the Deacon" (Univ.)
"Babies for Sale" (Col.)
 ORPHEUM—(2,440) (15c-30c-35c-40c) 7 days. Gross: \$6,800. (Average, \$8,000)
"The Ghost Breakers" (Para.)
"Lucky Cisco Kid" (20th-Fox)
 FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: \$16,500. (Average, \$16,000)
"Brother Orchid" (W. B.)
"Those Were the Days" (Para.)
 PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: \$12,000. (Average, \$11,500)
"My Son, My Son" (U. A.)
 UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 4th week. Gross: \$5,500. (Average, \$8,000)
"Lillian Russell" (20th-Fox)
 ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: \$5,000. (Average, \$6,000)
"Four Sons" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
 WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: \$12,500. (Average, \$12,000)
"Abe Lincoln in Illinois" (RKO)
 CLAY—(400) (15c-35c-40) 7 days, 2nd week. Gross: \$700. (Average, \$1,000)

'Mortal Storm' Pulls \$12,500 in St. Louis

ST. LOUIS, June 24.—Benefiting by the shutdown of the three other major theatres in town for two days, Loew's State, the only theatre unaffected by the strike of union operators, drew \$12,500 with "The Mortal Storm."

Estimated takings for the week ending June 19:

"The Mortal Storm" (M-G-M)
"The Phantom Raiders" (M-G-M)
 LOEW'S STATE—(3,162) (25c-40c-55c) 7 days. Gross: \$12,500. (Average, \$13,000)
"Four Sons" (Univ.)
"Earthbound" (20th-Fox)
 FOX—(5,038) (25c-40c-55c) 6 days. Gross: \$6,000. (Average, 7 days, \$11,000)
"Safari" (Para.)
"Sandy Is a Lady" (Univ.)
 AMBASSADOR—(3,018) (25c-40c-55c) 6 days. Gross: \$6,000. (Average, 7 days, \$11,500)
"Buck Benny Rides Again" (Para.)
"Torrid Zone" (W. B.)
 MISSOURI—(3,514) (25c-40c-55c) 6 days. Gross: \$4,000. (Average, 7 days, \$4,000)
"Girl in 313" (20th-Fox)
 ST. LOUIS—(4,000) (35c-40c). On stage: Benny Meroff and revue. 7 days. Gross: \$6,000. (Average, \$2,600)

New Haven Slumps; 'Storm' Gets \$8,000

NEW HAVEN, June 24.—"The Mortal Storm," dualled with Free, Blonde and 21," grossed \$8,000 at the Loew-Poli. All other business was under average.

Estimated takings for the week ending June 20:

"21 Days Together" (Col.)
"The Man With Nine Lives" (Col.)
 COLLEGE—(1,499) (25c-35c) 7 days. Gross: \$2,000. (Average, \$2,700)
"The Mortal Storm" (M-G-M)
"Free, Blonde and 21" (20th-Fox)
 LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: \$8,000. (Average, \$8,000)
"If I Had My Way" (Univ.)
"Women Without Names" (Para.)
 PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: \$2,600. (Average, \$4,000)
"Castle on the Hudson" (W. B.)
"Flight Angels" (W. B.)
 ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: \$3,400. (Average, \$5,000)

'Heaven' Gets Los Angeles Lead, \$19,500

LOS ANGELES, June 24.—"All This, and Heaven, Too" grossed \$19,500 at the Carthay Circle, with an advanced price premiere, in a generally slow week. "Irene" and "The Saint Takes Over" drew \$9,300 at the Hillstreet and \$9,300 at the Pantages.

Estimated takings for the week ending June 19:

"All This, and Heaven Too" (W. B.)
CARTHAY CIRCLE—(1,518) (75c-\$1.50) 7 days. Gross: \$19,500. (Average, \$17,000)
"Four Sons" (20th-Fox)
"Girl in 313" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: \$8,900. (Average, \$12,500)
"Rebecca" (U. A.)
4 STAR—(900) (40c-55c) 6 days, 12th week. Gross: \$3,400. (Average, \$3,250)
"Irene" (RKO)
"The Saint Takes Over" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: \$9,300. (Average, \$6,500)
"Four Sons" (20th-Fox)
"Girl in 313" (20th-Fox)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$11,100. (Average, \$14,000)
"Irene" (RKO)
"The Saint Takes Over" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: \$9,300. (Average, \$7,000)
"The Way of All Flesh" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: "La Vie Parée." Gross: \$14,000. (Average, \$18,000)
"Turnabout" (U. A.)
"A Fugitive from Justice" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: \$10,600. (Average, \$14,000)
"Turnabout" (U. A.)
"A Fugitive from Justice" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: \$10,100. (Average, \$12,000)

'Ghost' and 'Eater' \$7,000, Milwaukee

MILWAUKEE, June 24.—"The Ghost Breakers" and "The Biscuit Eater" drew the best gross here, with \$7,000 in nine days at Fox's Palace.

Estimated takings for the week ending June 19-20:

"Brother Orchid" (W. B.)
"One Million B. C." (U. A.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: \$5,000. (Average, \$4,500)
"The Ghost Breakers" (Para.)
"The Biscuit Eater" (Para.)
PALACE—(2,400) (25c-35c-50c) 9 days. Gross: \$7,000. (Average, \$4,000)
"Men Without Souls" (Col.)
RIVERSIDE—(2,700) (25c-30c-40c) 7 days. Stage: Borrah Minevitch's Harmonica Rascals. Gross: \$5,300. (Average, \$6,500)
"Edison, the Man" (M-G-M)
"Safari" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: \$2,100. (Average, \$1,500)
"Susan and God" (M-G-M)
"Girl in 313" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: \$6,000. (Average, \$5,500)

'Four Sons' Draws \$6,100, Omaha Lead

OMAHA, June 24.—"Four Sons" drew \$6,100 at the Orpheum in a poor week.

Estimated takings for the week ending June 20-21:

"21 Days Together" (Col.)
"Lone Wolf Meets a Lady" (Col.)
BRANDEIS—(1,300) (25c-35c-40c) 7 days. Gross: \$3,800. (Average, \$4,000)
"Susan and God" (M-G-M)
"Opened by Mistake" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: \$5,200. (Average, \$6,000)
"Four Sons" (20th-Fox)
"40 Little Mothers" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: \$6,100. (Average, \$7,200)

Critics' Quotes . . .

"THE MORTAL STORM" (M-G-M)

A vivid, touching drama . . . gains much of its finesse and terrific suspense in its pictorial restraint . . . a beautiful, thrilling production.—*Jimmy Starr, Los Angeles Herald and Express.*

One of the strongest dramatic pictures issued during the year . . . of engrossing interest. . . The performances, one and all, rise to an exceptional level, with Young's one of the most potent.—*Edwin Schallert, Los Angeles Times.*

Powerful drama, skillfully presented. . . Frank Borzage has given it the benefit of his sensitive directorial touch.—*Los Angeles Examiner.*

"OUR TOWN" (United Artists)

One of the most unusual events pictures have offered to the onlooker in many a long day . . . needs a maximum of showmanship to gain its full appreciation from the public.—*Edwin Schallert, Los Angeles Times.*

So extraordinarily fine it is hard to know just how to divide the credit . . . as a play it won the Pulitzer Prize. I can think of no greater praise than to say Sol Lesser makes it even more distinguished as a motion picture.—*Virginia Wright, Los Angeles Daily News.*

I was definitely, soundly fascinated for 90 minutes by one of the most charming pictures I have ever seen . . . something beautiful that makes you stop and think and something that is whole-hearted entertainment.—*Jimmy Starr, Los Angeles Express.*

One of the finest motion pictures ever put on the screen . . . not only a credit to Mr. Lesser, but a credit to the entire industry.—*Louella O. Parsons.*

"THE DOCTOR TAKES A WIFE" (Columbia)

Paced by Alexander Hall's top notch direction, this rampant farce is consistently diverting, and the increasingly popular Ray Milland tops a good cast with his best performance to date.—*Newsweek.*

Dialogue is "sophisticated" I suppose, but never over-brilliant, and the film was accorded lavish staging and able direction. All in all it's a fairly engaging time passer.—*Chicago Tribune.*

A bright and diverting little tale of what happens when a beautiful authoress meets a handsome young doctor.—*Doris Arden, Chicago Daily Times.*

Dialogue smarts like a whip, there are all sorts of sophisticated directorial touches, and an incident wherein "Dr." Ray delivers a baby in a poverty-stricken shack, puts just the right amount of heart in the story.—*Chicago Herald-American.*

One of those nonsensical farces so well done that you never miss a laugh. It is gay, frivolous, diverting and bubbling over with fun. . . If one deserves honors over the other you can say the dialogue rates tops.—*Pence James, Chicago Daily News.*

"SATURDAY'S CHILDREN" (Warners)

A warm, touching film version of Maxwell Anderson's Pulitzer Prize play . . . has been filled out with affectionate humor . . . a touching human document.—*Elsie Finn, Philadelphia Record.*

Will reward you with occasional laughs and an occasional gulp or two. It has the ideal cast, and while Scenarists Philip and Julius Epstein haven't come any closer to an answer than did Mr. Anderson, they have written an intelligent screen script.—*Henry T. Murdock, Philadelphia Ledger.*

Warm and generally entertaining. . . Supposedly a comedy, the problems of the young couple are too real and hopeless, especially in the last reels, to leave one feeling gay.—*Philadelphia Bulletin.*

It has its moments which are not exactly few and far between and these make for interest and amusement, but then at times the film seems to lag.—*Dorothy Guinan, Philadelphia Daily News.*

Remains faithful to the spirit of Maxwell Anderson's Pulitzer Prize play. . . If the problems encountered make for slightly dreary entertainment, they also make for reality.—*Philadelphia Inquirer.*

While the screen adaptation of Maxwell Anderson's play varies somewhat from its source, particularly in a hokum climax, it successfully retains the drama and humor inherent in the story.—*Newsweek.*

"SUSAN AND GOD" (M-G-M)

Excellent supporting cast . . . a noble job of turning a faulty story into an acceptable screen play.—*Los Angeles Examiner.*

Exceptionally well directed and acted . . . will especially attract the audience of women.—*Edwin Schallert, Los Angeles Times.*

"NEW MOON" (M-G-M)

The film goes smoothly and fascinatingly about two-thirds of the way, and then very unfortunately becomes too fantastic even for comic-opera credibilities. But it remains to the end ingratiating in its melodic embellishments.—*Edwin Schallert, Los Angeles Times.*

Opulent and visually satisfying. . . It is geared to take you away from the cares of the world. . . Frankly, I do not think this is the best of the Macdonald-Eddy pictures.—*Los Angeles Examiner.*

"TURNABOUT" (United Artists)

Visual, hilarious screen life . . . sent the audience reeling out into Chestnut St. . . top-notch support by a brilliant comedy cast.—*Philadelphia Enquirer.*

Aided and abetted by trick photography, sound dubbing and a gay cast, "Turnabout" becomes an extravagant comic strip—sometimes very funny, sometimes very silly, but good for laughs on both counts.—*Elsie Finn, Philadelphia Record.*

May be wholly daft and lacking in sense; but common honesty forces us to report that a lot of it is funny, particularly the latter half, which is fast and fresh and so filled with double entendre that often you can't hear the sound track because the customers are getting the jokes late.—*Gerald Gaghan, Philadelphia Ledger.*

'Mortal Storm' Is Boston Hit With \$40,500

BOSTON, June 24.—Loew's Orpheum, with "The Mortal Storm" and "Phantom Raiders" grossed \$25,000, while the same bill at the Loew's State took \$15,500. Other grosses were:

Estimated takings for the week ending June 19:

"Mad Men of Europe" (Col.)
"Love, Honor and Oh Baby" (Col.)
KEITH BOSTON—(3,200) (15c-20c-35c-40c) 7 days. Gross: \$5,500. (Average, \$8,000)
"Irene" (RKO)
"Beyond Tomorrow" (RKO)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. "Irene" 2nd week. Gross: \$12,000. (Average, \$16,000)
"Safari" (Para.)
"Those Were the Days" (Para.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: \$12,000. (Average, \$15,500)
"Torrid Zone" (W. B.)
"Fugitive From Justice" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: \$6,400. (Average, \$7,500)
"Torrid Zone" (W. B.)
"Fugitive From Justice" (W. B.)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: \$3,800. (Average, \$4,500)
"Lillian Russell" (20th-Fox)
"The Biscuit Eater" (Para.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross: \$3,500. (Average, \$4,000)
"Mortal Storm" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: \$15,500. (Average, \$12,000)
"Mortal Storm" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: \$25,000. (Average, \$17,500)

'Typhoon' \$9,300; Cincinnati in Slump

CINCINNATI, June 24.—"Typhoon" did a fair \$9,300 at the RKO Palace, and "One Million B. C." gave the RKO Lyric \$4,300 in a dull week.

Estimated takings for the week ending June 19-22:

"The Mortal Storm" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: \$9,280. (Average, \$12,000)
"Typhoon" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: \$9,300. (Average, \$10,000)
"Torrid Zone" (W. B.)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: \$2,700. (Average, \$10,000)
"Susan and God" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: \$3,100. (Average, \$6,500)
"One Million B. C." (U. A.)
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: \$4,300. (Average, \$5,000)
"Gangs of Chicago" (Rep.)
"Sons of the Navy" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: \$1,200. (Average, \$1,500)
"Bad Man From Red Butte" (Univ.)
"On the Spot" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: \$700. (Average, \$900)
"Flight Angels" (F. N.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: \$3,500. (Average, \$6,000)

Remodel Preview Theatre

W. B. Gullette has remodeled his Preview Theatre, projection room at 1600 Broadway, the improvements including private cutting rooms, storage vaults, and a special interlocking system for continuous 16 mm. and 35 mm. projection. A new Simplex sound system has been installed and the projectors equipped with high intensity light sources. The installation was made by National Theatre Supply Co., and the theatre was designed by Robert R. French.



Edited by TERRY RAMSAYE

1940-41 EDITION NOW IN PREPARATION

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Keeping pace with the rapid tempo of the industry and its constant changes, the new 1940-41 INTERNATIONAL MOTION PICTURE ALMANAC will provide the most complete and up-to-the-minute reference book about those who create, sell and purvey films.

Correspondents all over the world are busily engaged checking and cross-checking countless items of industry information that will finally be gathered between the covers of the new ALMANAC to provide authentic, finger-tip information on every phase of the business—thus has the ALMANAC served the world's showmen for the past decade.



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Tobey Charge Is Declared False By CBS

Charges made by Senator Charles W. Tobey in connection with a deal by CBS officials with Paramount-Publix in 1932 were branded "false" by Ralph F. Colin, CBS general counsel, yesterday. Colin, who acted as counsel for William S. Paley, CBS president, and other stockholders in the original transaction, declared that "Senator Tobey's charges result either from the deliberate and malicious intent to injure Mr. Paley and his associates and CBS, or from ignorance of the facts and rash statements based on such ignorance."

Colin declared that half of the CBS stock in 1932 was owned by Paramount-Publix and the remainder by less than 30 individuals. The stockholders purchased 49,094 shares and CBS bought the remaining 14,156 for its own treasury. Both paid \$82.21 per share. He asserted that a fair market price was paid for the stock.

Colin denied that either Paley or any other director used any company funds for the purchase. Company funds were used to acquire the stock for the company treasury, Colin said, and the wisdom was proved by the fact that the stock is now worth more. The profit realized by Paley and the other stockholders "resulted from their efforts on behalf of the company and the increase, by reason thereof, in the value of its stock."

Radio to Play Role In National Defense

(Continued from page 1)

the entire population of the country or of any particular region.

To considerable extent, the program will look to the protection of communications facilities, against both "fifth column" activities and actual invasion, by setting up alternate facilities. In the case of broadcasting, it is expected this will take the shape of several chains through which each area in the country could be reached.

The projected coordinating committee, it is understood, will be independent of the Council of National Defense, which is coordinating the industrial production for the national defense program.

Officials of the National Association of Broadcasting pointed out that it was impossible for anyone in the industry to take any position on the subject in view of the nebulous state of the plans as disclosed by FCC Chairman James L. Fly.

However, it was pointed out, the policy of the industry and of the broadcasters under license is that they will voluntarily cooperate to their full ability in all plans of the administration for national defense.

NAB spokesmen said that the attitude of the industry toward the proposed coordination will depend upon whether there is involved any Federal regulation of operations and that it is the universal belief that nothing should be done at this time to interfere with normal activities.

Off the Antenna

THE FCC over the weekend announced the rules for frequency modulation broadcasting. Following the precedent set in the new television regulations, the Commission set up guards against possible monopolization of FM.

The 40 FM channels have been divided into three groups. Frequencies will be assigned on the basis of the territory to be covered. Instead of the classifications of primary and secondary coverage now used in AM broadcasting, only one classification will be used, that of primary coverage.

The new licenses will permit unlimited commercial operation but all licensees will be required to operate at least three day time and three night time hours. In order to concentrate attention on the new type of broadcasting, the FCC will require each FM station to broadcast at least two hours daily of independent programs not fed by regular AM stations.

No person or group may own or control more than one station in any area except where it can be shown that such ownership will not serve to reduce competition. In no event may any group own more than six stations. About 135 applications were on file for FM station licenses when the FCC announced that all applications were cancelled. It is expected that about 200 applications will be filed as soon as the blanks are issued.

Televising of the Republican National Convention from Philadelphia to New York, a distance of about 100 miles, yesterday, was considered a remarkable example of engineering technique and production skill. The cameras worked smoothly and interest was maintained throughout by timely shifting of the cameras. Most of the attention was centered on the speaker's stand. When the convention recessed at noon, the television camera turned its attention to a stunt performed by elephants on the street.

WCKY, Cincinnati, has arranged with 21 leading theatres in its primary service area to exhibit trailers on the station's programs and personalities.

In a tieup with Warners' Earle Theatre in Washington, the WJSV news room is servicing a news bulletin board in the theatre lobby. Both the WJSV studios and the Earle are in the same building, and the theatre sends ushers for the latest bulletins each hour. When news of special importance is flashed, a WJSV news editor signals for a boy.

Programs: Lewis Howe Co. will increase the NBC-Blue hookup for "Pot o' Gold" to 116 stations on July 4. . . "Sky Blazers," heard over CBS on Saturdays at 7:30 P. M., will move to the 8 P. M. spot next Saturday. . . Campbell's Soup has signed with WQXR for 18 weekly spot announcements for 10 weeks. . . WOR will carry the Goldman Band concerts Mondays at 9:30 P. M. starting next Monday. . . "Quiz Kids" will replace "Alec Templeton Time" over NBC-Red during the Summer for Miles Laboratories.

Nine new stations in North and South Dakota and Minnesota which comprise the North Central System have joined the Mutual network. The total number of Mutual affiliates is now 140.

Canada War Benefit Is Moved to July 15

Toronto, June 24.—Following a conference today of the Film Industry War Finance Campaign, under the chairmanship of N. L. Nathanson, a decision was reached to postpone the patriotic show in All Canadian Theatres from Sunday, July 14, to Monday night, July 15, at 10 P. M.

This was to avoid a controversy with the church, ministers having questioned the advisability of the Sunday show, even for patriotic reasons.

Cooling Men Strike, Interstate Picketed

DALLAS, June 24.—Cooling system engineers here are picketing several local houses of the Interstate Circuit, following a strike over a new contract, which has been pending for some time.

R. J. O'Donnell, general manager of the circuit, had asked for five additional days in which to reach an agreement, but the business agent of the union disregarded the request and called the strike today. Other theatrical unions here are continuing to work and ignoring the pickets of the engineers' union.

Ask End of Foreign Shows During War

ROCHESTER, June 24.—Foreign language broadcasts should be discontinued until the war hysteria subsides, according to a consensus taken at New York State division meeting of the National Association of Broadcasters here. However, the decision to remove any program from the air was left to the individual stations.

Questions relating to the sale of time to political candidates were referred to the national office of N.A.B. Continued support for Broadcast Music, Inc., based on the success of its recent songs was also recommended.

Clarence Wheeler, executive vice-president at WHEC, Rochester, was elected to succeed Col. Harry C. Wilder, WSYR, Syracuse, as the new district director.

'Information Please' Suit

N. Y. Supreme Court Justice Bernard L. Schientag yesterday issued a temporary injunction restraining M. Lowenstein and Associates, Inc., and Aleo Mills, Inc., from using the words "Information Please" and radio symbols as patterns on fabrics, on the application of Dan Golenpaul Associates, owner of the radio program. The suit seeks an injunction and an accounting.

Short Subject Reviews

"Information Please, No. 10"

(RKO—Pathe)

In responding to the queries of Clifton Fadiman, Deems Taylor and the regular staff of experts again show evidence of their wide general knowledge. Clever questions include identification of Washington and Napoleon pictured in modern dress. As the mental wizards ad lib freely, humor predominates in this addition to the popular series. Running time, 11 mins.

"Information Please, No. 11"

(RKO—Pathe)

Christopher Morley makes his second screen appearance on the quiz reel. He and the experts identify songs, cheese and poetry, and answer Clifton Fadiman's questions intelligently and jocularly. Ending with the group rendering "Old Black Joe" in barber shop fashion, the short is entertaining. Running time, 10 mins.

"Hurdle Hoppers"

(RKO—Pathe)

This concerns the U. S. Army cavalry school at Fort Riley, Kan., showing in detail the stages of training. The U. S. Olympic team gives a splendid exhibition of group riding and individual hurdle hopping. Interesting. Running time, 9 mins.

"Stray Lamb"

(RKO—Pathe)

This is a novel short, produced by Frank Donovan and classified as a Reelism. Involved are a lamb, a St. Bernard dog, an eagle and a mountain lion, the dog rescuing the lamb from the eagle and encountering the lion in so doing. While commentary treats the subject humorously, the short is more interesting than amusing. Running time, 9 mins.

"Silent Wings"

(RKO—Pathe)

A Sportscope on gliding, this will be of special interest to the air enthusiast, thus suggesting aviation tieups. Filmed at Elmira, N. Y., the fundamentals of the sport are illustrated. The deftly handled camera provides a scenic treat in the graceful, silent planes gliding in a clear sky. Highly enjoyable. Running time, 9 mins.

Legion Approves 4 Of Five New Pictures

Four of five new films have been approved by the National Legion of Decency, two for general patronage and two for adults. One has been found objectionable in part. New films and their classification follow:

Class A1, Unobjectionable for General Patronage—"The Captain Is a Lady," "Wild Horse Range." Class A2, Unobjectionable for Adults—"Manhattan heartbeat," "The Man Who Talked Too Much." Class B, Objectionable in Part—"All This and Heaven Too."

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VOL. 47. NO. 125

NEW YORK, U. S. A., WEDNESDAY, JUNE 26, 1940

TEN CENTS

See Nazi Film Threat to U.S. On Continent

Expect Forcing of Films In Occupied Areas

The domination of Continental European markets by German films is expected in industry export quarters here within the near future and looms as a more serious post-war threat to Hollywood's foreign trade than do depreciated currencies and monetary restrictions, in the opinion of some foreign department executives.

That Germany will lose little time in finding a place for its films on the screens of occupied nations seems to be a foregone conclusion in most export departments. Not only trade benefits and aid to the German film industry would dictate such a move, although these in themselves are impelling objectives, it is pointed out. The dissemination of propaganda via the screen has long had a place in official German activities, with the industry there operated directly by the Ministry of Propaganda. It is virtually certain, observers here believe, that the screen will be an even more important instrument of that department in occupied territories than was its function before the war.

Few German Films Shown

Foreign department officials point out that for the past four or five years few, if any, German films have been exhibited in France, Belgium and Holland, and only a minor number in Poland, Denmark and Norway.

It is believed here that either semi-compulsory measures may be adopted to force the showing of German films in occupied territory or German nationals themselves will be sent into such territories to open theatres. Under such circumstances, control of playing time could be maintained with ease, as well as some form of control over production, importation and exhibition of non-Germanic films.

It is felt here that such control may prove more serious to the American industry than probable post-war currency restrictions and lower exchange rates for the next two or three years.

France Mourns

All theatres throughout France were closed yesterday, Armistice Day, which was declared a day of national mourning for the vanquished Republic.

New Tax Rules Outlined For Exhibitor Guidance

WASHINGTON, June 25.—Operators of all theatres in the United States whose admissions exceed 20 cents must prepare immediately to abide by new regulations drafted today by the Bureau of Internal Revenue, to govern collection of the new Federal admission tax, effective July 1. The tax is 10 per cent on all admissions over 20 cents.

Theatres charging from 21 to 40 cents must procure new tickets showing the admission price and the tax, as will any exhibitors who change their established price because of the new tax.

New forms will be provided for the reporting of the tax, on which exhibitors will be required to show separately the amount collected under the new levy—namely, taxes on tickets from 21 to 40 cents, inclusive, heretofore exempt. The separation is to enable the Bureau to keep accurate statistics on the revenue from the new defense levies.

The new regulations, prepared with the signing into law of the defense tax bill by President Roosevelt, require that, where practicable, new tickets must be provided by exhibitors coming within the law, but where this cannot be done at once, tickets on hand may be overprinted or overstamped to show price and tax.

In every case where the established admission is changed either new tickets must be provided, or tickets on hand overprinted or overprinted, since the Internal Revenue Code requires that the price at which every admission ticket is sold appear on the ticket.

Where established price is not changed, the Commissioner of Internal Revenue, for a limited time until properly printed tickets are obtainable, will permit the use of tickets now on hand without showing the tax due under the new law, provided there is conspicuously posted at the entrance or near the box-office one or more signs properly and clearly stating the prices of admission and, with each such price, the tax due and the total sum.

Charges CIO Seeks RCA Ready With Studio 'Back Door' New Pocket Radio

HOLLYWOOD, June 25.—A charge that the "C.I.O. is seeking a back door into the film industry" was made here today by J. W. Buzzell, executive secretary of the Los Angeles Central Labor Council and head of the A.F.L. office workers' union negotiating committee, as the strike situation at the Central Casting office remained unchanged.

Buzzell declared that while the strike of Central Casting office workers is numerically unimportant, with 47 of 50 employees on strike, it is "significant" because the rival group, the Screen Office Employees Guild, is being organized in studios by what he charged were C.I.O. organizers.

Roxy Asks Review Of Tax Assessment

Roxy Theatre, Inc., filed proceedings yesterday in New York Supreme Court against the New York City Tax Commission for a review of an assessed valuation of \$4,100,000 placed on the Roxy Theatre for 1940-'41. The writ seeks a reduction of \$1,075,000, claiming that the valuation has been increased \$775,000 since 1937 without substantial improvement to the theatre. Justice Samuel I. Rosenman set Sept. 23 for a hearing.

David Sarnoff's frequently reiterated assertion that the day will come when a private radio communication system will be worn on the wrist appears nearer realization. RCA Manufacturing Co. yesterday announced a "camera type" portable radio which can be attached to a strap and carried over the shoulder. It will be on sale here tomorrow at \$20.

Weighing four pounds, the "vest pocket" model is 8½ inches long, 3½ inches wide by 3 inches deep. It has four specially designed miniature tubes operating on two batteries, one of which is the same as used in flashlights. Battery replacements will cost \$2 and 10 cents each. The speaker is about 2½ inches in diameter.

'One Union' Report Ready in 2 Weeks

A report on the Bernhard Reis "one big union" for actors recommendations will be ready within two weeks, the Actors Equity council was told by its subcommittee yesterday. Laurence Beilenson of Hollywood, attorney for the Screen Actors Guild, addressed the council at length yesterday but the subject of his discussion was not revealed.

Trust Laws Seen as Bar To Dual Move

Solution Believed In Exhibitor Action

WASHINGTON, June 25.—Inability to work out a procedure which will not be subject to attack under the anti-trust laws is handicapping Allied's solution of the double-feature problem, it was learned from officials here today.

The question of double features was a major subject of discussion last week at the Allied convention in Chicago, which adopted a resolution pointing out the uneconomic aspects of dual bills and requesting the cooperation of the distributors in working toward their elimination.

So far as practical measures are concerned, however, it was said that until someone gets a better idea than has been put forward so far it is doubtful if any progress can be made except by individual exhibitors refusing to double bill pictures.

It was pointed out that the matter involves legal aspects of which everyone is chary, and none more so than the Allied group, which itself has invoked the anti-trust laws. Accordingly, all proposals put forward are being studied first from this angle, and so far, it is understood, no suggestion has been made which does not require joint action of a type which might be held to be in violation of the law.

Hayes Named Trust Suit Press Contact

James Hayes, special assistant to Thurman W. Arnold in the Government's anti-trust suit, yesterday was appointed press relations contact for the Government on developments in connection with the current efforts to effect a settlement of the suit.

The Government today will ask Federal Judge Henry W. Goddard for another postponement of the trial—this time until next Monday—to permit the settlement discussions to continue. Conferees following their meeting yesterday were optimistic concerning progress of the settlement efforts but reported that no agreement has been reached yet on any proposal so far discussed.

Meretsky Donates Track to Dominion

Toronto June 25.—Simon Meretsky, theatre owner of Windsor, Ont., notified the campaign headquarters of the Canadian film industry's \$1,000,000 war fund drive that he has donated the Devonshire Jockey Club property and mile track at Windsor to the Dominion for the use of the military or other authorities. Meretsky is the sole owner of the racing plant, which includes many stables, and he will not object if it is used as a concentration camp for German prisoners of war when they are transferred from the British Isles.

St. Louis Wage Rise Is Effective Sept. 1

St. Louis, June 25.—The five per cent increase granted the local operators' union in a new contract with Fanchon & Marco will become effective Sept. 1, it has been learned. The additional 2½ per cent increase at the end of the first and second years of the three-year pact will become effective only if other local independent theatres grant the same increase.

It is also stipulated that any improvements in contract conditions with the union benefiting the independent theatres also shall accrue to F. & M.

Personal Mention

NICHOLAS M. SCHENCK plans to leave for the Coast for his regular summer visit at the studio as soon as affairs here permit.

Y. FRANK FREEMAN, Paramount studio chief, has returned to the Coast from home office conferences.

JAMES ROOSEVELT is expected here today from the Coast and Washington, where he arrived yesterday.

JOSEPH SAMARTANO, manager of the Palace, Meriden, Conn., is spending two weeks in Atlantic City.

DON CHAMBERS of the advertising staff of the Allyn, Hartford, Conn., has been transferred to the M. & P. advertising department in Boston.

RUSSELL HARDWICK, manager of the Lyceum, Clovis, N. M., is a visitor here.

CHARLES STERN, CLARENCE EISEMAN, CHARLES CASANAVE, MAURICE SILVERSTONE, ADOLPH ZUKOR, MAX A. COHEN and HARRY BRANDT at Nick's Hunting Room in the Astor for lunch yesterday.

MYRTLE TOWER, cashier at the Paramount, New Haven, is on vacation.

WILL H. HAYS, president of the M.P.P.D.A., is in Philadelphia as a delegate to the Republican convention from Indiana.

SAM SHAIN, JAMES CRON, FRED MCCONNELL, VIRGINIA MORRIS, OSCAR DOOB, REGINA CREWE, ARTHUR LEE, PAUL BENJAMIN, SAM SPRING, MACK LITTMAN, SAM CITRON, HARRY THOMAS and THOMAS LOACH lunching at the Tavern yesterday.

ROBERT WEITMAN, JOHN D. HERTZ, JR., BORIS KAPLAN, AL ALTMAN, SIDNEY PHILLIPS, CHARLES SONIN, MAX WOLF, SIDNEY KINGSLEY, HARRY RUBY, ARTHUR KRIM, BOBBY CRAWFORD, LARRY HART and RICHARD RODGERS at Sardi's yesterday for lunch.

MAX WEISFELDT, LOU WEINBERG, ABE MONTAGUE, RUBE JACKTER and SOL EDWARDS lunching yesterday at Lindy's (next to the Rivoli).

JACK COHN, MARTIN MOSKOWITZ, IRVING BERLIN, LOU BRANDT, and AL YOUNG at Lindy's (51st St.) yesterday for lunch.

GUS SCHAEFER of RKO leaves for Boston today to visit with members of his family. He will return to New York at the weekend.

Bernstein Gets Post In British Ministry

London, June 25.—Sidney L. Bernstein, managing director of Granada Theatres, Ltd., and subsidiary circuits, has been named honorary adviser to the Beddington Film Division of the British Ministry of Information. It is understood that he will vacate his post as Granada managing director.

Purchase Tax Plan Abandoned by CEA

LONDON, June 25.—The Cinematograph Exhibitors Association today, after a lengthy discussion, decided against additional taxation in the form of a purchase tax. It is expected the chief form of the tax will be an increased theatre duty. The group abandoned the idea of a percentage of receipts on the ground that it would perpetuate the present rental situation.

A subcommittee has been appointed to continue a study of the most practicable arrangement for an increased admissions scale. The organization is expected to advise the Government of its fear that exhibitors are unable to bear any further financial burdens. No legislative action is likely until after July.

Spread Americanism Gospel, Says Einfeld

CHICAGO, June 25.—Charles Einfeld, Warner advertising and publicity director, today urged Warner Theatres managers at a meeting at the Blackstone Hotel here to spread the gospel of Americanism.

"Sit down with the leaders in your communities," Einfeld said, "tell them about Americanism, and fight with all the facilities at your control the fear that has permeated this country and do all in your power to offset the insidious foreign propaganda that is being disseminated in this country today. In this way you will do your share to insure a permanent American way of living for all of us."

Harry Goldberg, circuit advertising director, discussed various product announcements. Einfeld continued on to Hollywood, while Goldberg returned East after the meeting.

McConnell Eastern Agent for Lesser

Fred J. McConnell has been appointed Eastern representative for Sol Lesser, with headquarters here.

The post has been filled heretofore by Louis Hyman, who has spent part of his time here and the remainder on the Coast. The appointment of McConnell will permit Hyman to make his permanent headquarters on the Coast.

McConnell, who recently headed Record Pictures Corp., formerly was a distribution executive for Universal, Columbia and other companies.

Miggins Arrives For Parley Here

Ben Miggins, European manager for 20th Century-Fox, arrived in New York yesterday from Lisbon aboard the *Dixie Clipper*. Miggins, who transferred his headquarters from Paris to Lisbon last week, will confer with W. J. Hutchinson, director of foreign distribution, and other home office executives on future operations on the Continent.

Publicists Back Labor

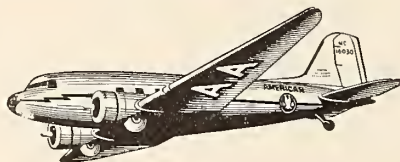
The membership of the Screen Publicists and Advertisers Guild has approved unanimously a resolution in which the group joins other unions in "condemning the action of the House for its anti-union stand," and asking the Senate to reject all anti-union legislation.

Terry-Toons Recess

The Terry-Toons studio at New Rochelle, N. Y., will close for a Summer vacation recess from July 3 to July 15, all employees taking their vacations at that time.

CALIFORNIA TEXAS ★ ARIZONA

4 Flagships Daily Coast-to-Coast



★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAVemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES

The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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M-G-M SWEEPS GLOOM AWAY!

"MORTAL STORM" BIG!

Held Over 2nd Week Capitol, N. Y. Also St. Louis, Boston (playing two theatres day and date) Cleveland, Columbus, Hartford, New Haven, Philadelphia, Washington, D.C. and more every day!



Margaret Sullavan and James Stewart thrill the fans!



Jeanette MacDonald and Nelson Eddy are together again!

"NEW MOON" PREVIEW GREAT!

It's everything you hoped for. A magnificent musical in the M-G-M manner that's headed for hold-over business. Just what the public wants right now!

Cheer Up America!

"ANDY HARDY MEETS DEBUTANTE!"

Thank you Lewis Stone, Mickey Rooney, Judy Garland and all the happy Hardy Family for turning out the most sensational of all this gold-mine series. It's the show that they'll thank you for putting on your screen!



Mickey's in top form and Judy Garland clinches the box-office draw with grand songs!

Remember this!

"PRIDE AND PREJUDICE" IS A SURE-FIRE HIT!

Start now to tease it in lobby and program and publicity. The Preview guarantees audience joy. They ate it up! Greer Garson (Mrs. Chips) Laurence Olivier (Mr. Rebecca) and a brilliant money cast! A swell show.



UNITED ARTISTS
in co-operation with the

proudly announces **NATIONAL**



A week devoted to the exhibition of notable pictures from the unbroken record of Korda-produced film successes. These showings will be held in all key cities of the United States in appreciative recognition of Korda's extended production activities, which now include Hollywood as well as London. National Alexander Korda week begins June 27th.

KORDA'S GREATEST TRIUMPH "THE
NOW BEING COMPLETED IN HOL

CORPORATION

n exhibitors of America:

AL ALEXANDER KORDA WEEK

National Alexander Korda week features this Blue Ribbon list of screen achievements:



The Private Life of Henry VIII

Catherine the Great

Elephant Boy

The Scarlet Pimpernel

Storm in a Teacup

Sanders of the River

Drums

The Ghost Goes West

The Divorce of Lady X

With these Korda screen stars and discoveries:



Charles Laughton • Merle Oberon • Vivien Leigh

Robert Donat • Elizabeth Bergner • Laurence Olivier

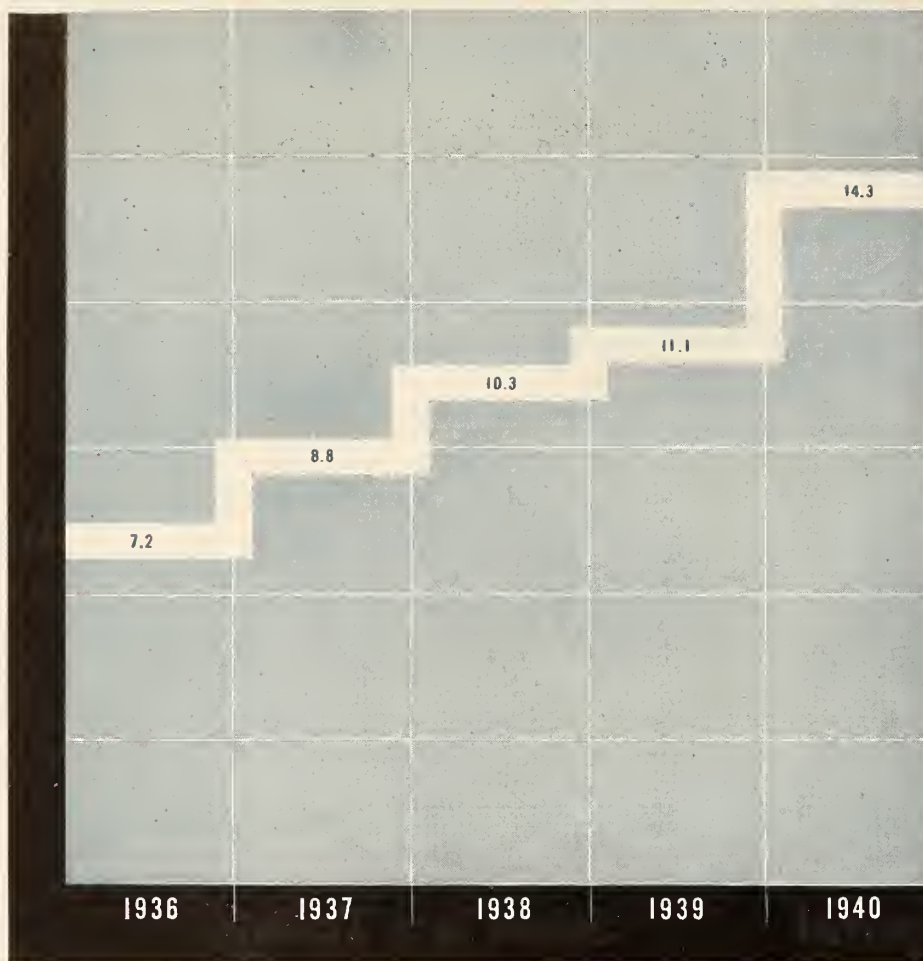
Wendy Barrie • Ralph Richardson • Binnie Barnes

Leslie Howard • Raymond Massey • Sabu • Paul Robeson

PIEF OF BAGDAD" in TECHNICOLOR

WOOD for SEPTEMBER RELEASE

THE SWIFT CLIMB IN CBS-CAB RATINGS SINCE 1936



← CBS PROGRAM RATINGS: UP 99% SINCE 1936

These are CAB program ratings for the median CBS evening half-hour program, compiled from the regular CAB reports of January-February each year.

Median figures are shown here instead of *averages* following the statistical procedure of the CAB itself.

All network ratings have increased since 1936, but the increase in CBS audiences has *out-distanced the field*. In Jan.-Feb. 1936, the median CAB rating for *all* evening half-hour programs (7.5) was slightly *ahead* of the comparable CBS rating (7.2). *But every year since 1936, CBS has moved increasingly ahead of "the field."* In Jan.-Feb. 1940, the median rating for "the field" was 12.8; the CBS median, 14.3.

MORE FOR THE MONEY

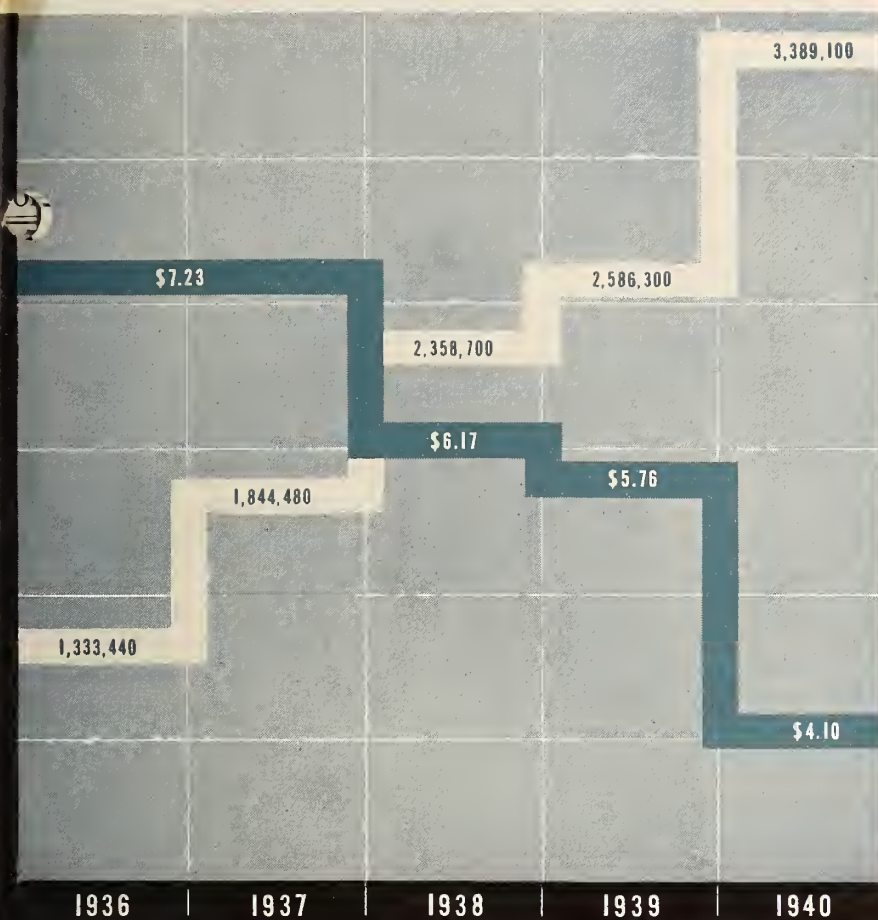
The *typical* CBS evening program* reaches *twice as many* families in 1940 as it did in 1936. And the typical CBS advertiser pays only *half as much* per listener in 1940 than he did only four years ago!

That's how swiftly actual CBS circulation costs have *dropped* in recent years. It's the only down-curve in CBS history; a drop in costs without parallel in advertising history.

*Half-hour, once a week.

Impartial CAB ratings measure the trend. The typical CBS evening program in 1936 had a 7.2 CAB. Four years later, this had climbed to 14.3. But the story doesn't end there. CAB ratings are a *percentage* of "*all radio homes*"—and "*all radio homes*" have *also* increased sharply since 1936. Thus, each point in a CAB rating represents *many more* listeners today than in 1936.

THE DROP IN CBS COST PER LISTENER SINCE 1936



CBS PROGRAM AUDIENCES: UP 154% SINCE 1936

Rising bar shows increases in *actual CBS audiences*, combining the increase in *CAB ratings* (of CBS half-hour evening programs) with the simultaneous increase in "*all radio families*"—the base for CAB percentages each year.

Trend of costs is taken from actual time and talent costs of median CBS half-hour program, divided by actual audience reached each year.

Rate of decrease, as shown, is conservative. So are the *specific net costs* shown here, which are subject to revision *downward* because of present research limitations in measuring *complete audiences* to radio programs.

CBS NET COST PER M: DOWN 43% SINCE 1936



...ON COLUMBIA

Specific figures show that, *since 1936*, the increased CAB rating of CBS programs—when applied to the increase in radio families—results in an increase of 154% in the number of families actually found listening to the individual CBS evening half-hour. With this increase in audiences, there has been a decrease in actual cost per listener of 43% since 1936 (based on specific time and talent costs).

The complete story is told in "MORE FOR THE MONEY"—a new CBS brochure available on request. It shows how much more for their money CBS advertisers have received each year since 1930. It is a book for the executive who is really interested in lower advertising costs. Write to 485 Madison Ave., N. Y.

THE COLUMBIA BROADCASTING SYSTEM

Fly and Roosevelt Confer on Defense

Washington, June 25.—Chairman James L. Fly of the FCC conferred with President Roosevelt at the White House today. Subject of the meeting was believed to be proposals for the co-ordination of broadcasting and communications under the national defense program.

No information regarding the subject of the meeting or its results, however, was given out at either the White House or by the Commission.

Canada Radio Set Sales at New High

MONTREAL, June 25.—Producer sales of radio receiving sets in Canada during the first quarter of 1940 established a new record, according to the Dominion Bureau of Statistics. Total sales during this period numbered 71,503 units, representing a retail value of \$3,524,190, an increase of 76 per cent over the first quarter sales in 1939.

Sales were up all across Canada; Ontario jumped from 19,963 to 32,292 sets; Quebec from 8,922 to 14,348 sets; Maritimes from 2,146 to 7,454; British Columbia from 2,495 to 5,871; Alberta and Saskatchewan from 2,707 to 5,487 and Manitoba from 3,770 to 6,051.

In addition to these Canadian made sets, 5,310 sets were imported through the customs and 14,023 were admitted to Canada under special conditions.

The increase is attributed to the European situation which develops so rapidly that radio proves the speediest way of keeping in touch with it. New farm broadcasts by CBC are also credited with building up the rural market.

Permits Sought for Two Radio Stations

WASHINGTON, June 25.—Construction permits for two new broadcasting stations have been asked of the Federal Communications Commission in applications filed by the Radio Voice of New Hampshire, Inc., for a 610-kilocycle station at Manchester, N. H., with 1,000 watts night, 5,000 watts day, and James Freeman Holmes for a 1,500-kilocycle station at Valdosta, Ga., with 100 watts night, 250 watts day.

Applications also were filed by KYSM, Mankato, Minn., for change of frequency from 1,500 to 940 kilocycles and increase of power from 250 to 1,000 watts, and WKBW, Buffalo, for increase of power from 5,000 to 50,000 watts.

Procedure Group Studies FCC Policy

WASHINGTON, June 25.—Procedural policies of the F.C.C. will be the subject of examination by the Attorney General's Committee on Administrative Procedure this Thursday, the Department of Justice has announced. Procedures of more than 30 agencies are being examined. The preliminary reports published by the committee criticized the F.C.C. on a number of points.

Off the Antenna

WITH the increased sales of daytime hours, early morning programs are assuming a greater importance as the next point of attack. Top notch radio talent will be heard over WABC's "Morning Almanac" when Phil Cook takes his first vacation in four years. Cook will be gone eight weeks, and in his absence Frank Crumit and Julia Sanderson, Howard & Shelton, Uncle Jonathan, and Happy Jim Parsons will substitute. The program is heard daily from 7-7:45 A. M. and again at 8:30-8:45 A. M.

Purely Personal: G. Richard Swift, director of WABC's "Morning Almanac," has been placed in charge of the station's studio operations. . . . Helen R. Anderson, secretary to A. H. Hayes, WABC sales manager, will be married tomorrow to John P. Hartigan, advertising manager for Kalart Co. . . . Raymond Paige will be guest conductor of the World Fair band Sunday over the NBC-Red at 3 P.M. . . . Jane Froman will be guest on "Musical Americana" next Tuesday over NBC-Blue. . . . Howard LaNoie, formerly stage manager at the Capitol Theatre, is the new night assistant manager at WHN. . . . Dick Pack of the WOR publicity staff will be married tomorrow to Laura Lipkin.

Kate Smith's noonday broadcasts over CBS will use an increasing amount of human interest film news, Ted Collins who produces the show and acts as newscaster, declared yesterday.

Programs: The Sherwin Williams Co. has renewed "Metropolitan Auditions of the Air." Instead of the NBC-Blue network, 47 stations of NBC-Red will be used, beginning Sunday, Oct. 20, at 5:30 P.M. . . . Lever Bros. will start "The Adventures of Mr. Meek" over CBS Wednesday at 7:30 P.M., beginning July 10. . . . "So You Think You Know Music" shifts to Mondays at 8 P.M. over CBS next Monday. . . . George McCall will start a new Summer show, "Man About Hollywood," over CBS on July 5. It will be heard Fridays at 8 P.M.

Separation of the Red and Blue network sales staffs by NBC has resulted in a transfer of a number of salesmen. Gordon H. Mills of spot and local sales has been shifted to the Red, and three new men, William L. Kost, Eugene A. Kraemer and Frederick Horton, have been added. The Blue sales force, all transferred from the Eastern division, includes D. R. Buckham, George M. Benson, Paul M. Massman, Charles E. Phelps, Fred M. Thrower, Jr., Dudley Rollinson, John G. Hoagland and William Materne. John S. de Russy, formerly of the KYW sales department in Philadelphia will replace Mills in spot and local sales.

Dismiss Suit Against Accessories Firms

New York Supreme Court Justice Peter Schmuck yesterday dismissed the suit of William Mancuso against National Screen Accessories, Inc., National Screen Co., Inc., Exhibitors Poster & Supply Co., Inc., Advertising Accessories, Inc., Charles Casavane, Harry Schlitt, Samuel Braum and Herman Robbins for \$250,000 damages, claiming a monopoly of trailer services in New England.

The plaintiff also claims in addition the alleged breach of a contract with American Display Corp. under which he was to receive 15 per cent of the proceeds of the sale of that company to Advertising Accessories. The plaintiff has leave to amend his complaint and to renew the suit.

Deny Cut Requested From Chicago Union

CHICAGO, June 25.—John Smith, business agent of the operators union, Local 110, denied today that independent exhibitors have asked a wage reduction, and indicated there would be little likelihood of the union agreeing to such a reduction, in any case.

Thomas Burke, head of the theatrical janitors' union, said that negotiations for a new contract with all local exhibitors will start within 30 days. A 10 per cent increase will be sought.

GTE 20-Cent Dividend

General Theatres Equipment Corp. yesterday declared a dividend of 20 cents per share on the capital stock, payable July 15 to stockholders of record July 8.

AFM Gives \$2,500 To Phila. Strikers

PHILADELPHIA, June 25.—The American Federation of Musicians today granted Local 77 here an additional \$2,500 to carry on the strike against the Warner theatres in this area. The A.F.M. earlier this year gave the local \$7,500.

Rex Riccardi will meet next week with James C. Petrillo, A.F.M. president, to discuss future plans for conducting the strike, following a meeting Tuesday of the local's membership. Efforts of Thomas Williams, Federal labor mediator, to arbitrate the issues have been unsuccessful, it is reported here. Williams said that his last two attempts to get together with Frank Phelps, Warner labor contact, have failed.

Beacon Opens Tomorrow

Morris Kutisker's New Beacon Theatre, 40th Ave. and 10th Street, Long Island City, will open tomorrow one month ahead of schedule. Amusement Supply Co., Inc., had the construction contract, and supplied all decorations, furnishings and projection equipment.

Nizer Prepares Book

Louis Nizer, attorney and executive secretary of the New York Film Board of Trade, is the author of a book, "Thinking on Your Feet," which will be published in the Fall by Livright Publishing Co. The book contains public addresses and introductory speeches by Nizer, and anecdotes.

Theatre Changes

Fox Building in Missouri

KANSAS CITY, June 25.—A new 1,000-seat house has been started in Sedalia, Mo., by Fox Ozark Theatres Corp., subsidiary of Fox Midwest Theatres, Inc. Fox had been operating the Liberty at Sedalia, but was unable to renew its lease on satisfactory terms.

Takes Schroon Lake House

ALBANY, June 25.—Kallet Circuit, Oneida, N. Y., has completed a deal to take over the Paramount, Schroon Lake, July 1. Theatre has been run by Graphic Theatre Circuit, Bangor, Me.

Close Two in N. Y. State

ALBANY, June 25.—Sid Mull is closing Masonic Hall, Nassau, N. Y., for the Summer, while the Bradley Theatre, Fort Edward, operated by Lew Fischer, has also closed.

Rebuild in Pennsylvania

DUNCANNON, Pa., June 25.—The fire-damaged Fox Theatre will be razed and a new 400-seat house constructed, it was announced by owner-manager George L. Ickles. He expects to have the new house ready in the early Fall.

Takes Pennsylvania House

MOUNT CARMEL, Pa., June 25.—Perry Hoffman has taken over the operation of the Hollywood Theatre here.

Opening in Atlantic City

ATLANTIC CITY, June 25.—Harry Waxmann will open the Cinema, formerly the Royal, about July 1, marking the third Waxmann theatre in the resort.

Brooks 20th-Fox Salesman

SEATTLE, June 25.—James Brooks, head booker at the local 20th Century-Fox exchange, has been appointed salesman in the Western Washington territory, succeeding Hap Frederick, resigned. Brooks has been succeeded in the booking department by Robert Osborne, former assistant booker.

Close Cincinnati House

CINCINNATI, June 25.—The 2,150-seat RKO Shubert, playing stage shows and pictures, but which has been playing straight films for the past several weeks, has closed for the Summer. The house is expected to reopen late in August.

Named Assistant Manager

CHARLOTTE, N. C., June 25.—William Prince, doorman at the Carolina in Hendersonville, N. C., has been made assistant manager of the Paramount in Hickory, N. C., as of July 23rd.

Air Condition Buffalo House

BUFFALO, June 25.—The Twentieth Century Theatre has installed a new air-conditioning system, according to N. D. Dipson, operator.

Open in Iowa on July 11

LA PORTE CITY, Ia., June 25.—Marvin Fosse will open his new theatre here July 11.

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47 NO. 126

NEW YORK, U. S. A., THURSDAY, JUNE 27, 1940

TEN CENTS

Defense Probe Of Witnesses Is Under Way

Data to Be Used in Trial If Settlement Fails

Scores of prospective witnesses for the Government in its New York anti-trust suit have been and are being investigated or interviewed by defense attorneys in many sections of the country as a major part of the continuing defense preparations for trial of the suit in the event that the current settlement efforts prove fruitless, it was learned yesterday.

Defense attorneys, it is learned, have been tremendously impressed with the strength of their position as the investigations of the Government's prospective witnesses progress.

Meanwhile, Federal Judge Henry W. Goddard yesterday adjourned trial of the suit to Monday, at which time a further adjournment of one week will be asked to permit the settlement discussions to continue.

Reporting to Judge Goddard yesterday on the settlement efforts, J. Stephen Doyle, special assistant attorney general, said that "it is believed that definite progress has been made" and "nothing has arisen to indicate that a final accord cannot be reached."

However, it was learned following yesterday's meeting of the conferees

(Continued on page 12)

Sonja Henie Skating Show at the Center

Sonja Henie will open an ice ballet and skating spectacle at the Center Theatre in Rockefeller Center in mid-September, W. G. Van Schmus, managing director of the Radio City Music Hall, who is also supervising the Center, announced last night.

Miss Henie and Arthur M. Wirtz, president of the Chicago Stadium Corp., have formed Sonart Productions, Inc., as equal partners and with Wirtz as president. The show will have an extended run, with Leon Leonidoff producing.

Roth Is Named WB Manager in Buffalo

Max Roth, former Warner Chicago salesman, has been promoted to branch manager of the Buffalo office, according to Roy Haines, Eastern and Canadian sales manager. The change is effective immediately.

Roth takes the position vacated by the promotion of Charles Rich from Buffalo to Cleveland branch manager recently.

Hollywood Combines For War Charities

Hollywood, June 26.—An industry-wide combined war charities organization is in preparation here embracing all studios, unions and crafts, it was announced today by Samuel Goldwyn, chairman of the Motion Picture Red Cross Committee. All war charities which seek the industry's co-operation must have the approval of the Goldwyn committee, said Y. Frank Freeman, president of the Producers Association.

Initial effort of the industry here was a joint participation with radio networks last Saturday night in a benefit broadcast for the Red Cross.

Appeal Next Week In Baltimore Case

BALTIMORE, June 26.—The appeal of the Westway Theatre here from the decision of Federal District Judge W. C. Chestnut dismissing its anti-trust suit against the major distributors is scheduled to be argued in U. S. Circuit Court of Appeals here next week.

Defendants will file their final briefs in connection with the appeal today and the case will be set for argument within the next week.

The Westway action charged that distributors and the Durkee Circuit combined to enforce unfair clearance regulations for Durkee's Edgewood over the Westway. In dismissing the case, Judge Chestnut held in an accompanying opinion that the established clearance was "fair."

N. Y. CRAFTS AND ACTORS PLEDGE MUTUAL ASSISTANCE

Craft and actor unions pledged themselves yesterday to mutual assistance in dealing with theatres in the New York metropolitan area, as the long standing feud between the groups appeared to be at an end. Five craft unions, including Stagehands Local 1, Theatrical Managers and Agents, Theatrical Teamsters, Scenic Artists and Operators' Local 306, requested the aid of the international board of Associated Actors and Artistes of America in a drive against three Times Square burlesque houses, the Gaiety, Republic and Eltinge, which also show films.

The 4-A board instructed its branch, the Brother Artists Association, union of burlesque performers, to "take every lawful step and pass every lawful rule" to bring about cooperation. The decision to cooperate follows similar action taken in connection with the World's Fair several months ago.

In a resolution passed by the 4-A board, it was declared that the various groups had "expressed their determination to completely cooperate with each other to assure equitable and satisfactory labor conditions in their common field."

TRADE PREPARES TO MEET NEW TAX

Allied Attacks Use Of Chicago Triples By Balaban & Katz

CHICAGO, June 26.—Hundreds of thousands of Chicagoans, former film patrons, are not attending theatres because of double and triple features, Jack Kirsch, president of Allied of Illinois, declares in an open letter addressed to "The Leaders of the Industry."

He points out that 17 local independents decided to eliminate triples, effective June 16, but the Balaban & Katz Belmont ran a five-hour triple bill, while the independents ran duals. "Would you say there is no monopoly, when one firm prevents 300 theatres from exhibiting pictures in a manner which will not keep people from the theatres?" Kirsch asks.

"It is most difficult to operate theatres under this form of economic slavery," the letter says, and concludes: "If the leaders of this industry cannot correct such a devastating abuse and waste of product, we would at least appreciate public utterance of condemnation of this policy on their part."

The letter is in sequel to the Allied States convention here last week at which speakers attacked duals and triples and a committee was appointed to confer with the distributors on steps to eliminate the practice.

See No Change in Basic Scales Due to Levy; Some Exceptions

Basic admission scales throughout the country will undergo no important revision as a result of the application, beginning next Monday, of the new Federal tax on admissions of 21 cents or over, it was fairly well established yesterday.

National circuits, independent circuits and smaller operators in all sections of the country intend to add the tax to the admissions now in effect. Exceptions to this procedure, according to present indications, will be few and local in character.

Warners, Loew's, RKO and National Theatres circuits plan to maintain present schedules and to add the new tax. Paramount operators determine policy for their circuits locally, but there is practically no indication that the company's affiliated circuits will depart, to any important national degree, from the procedure of the others.

Meanwhile, exhibitors are working feverishly to complete arrangements for announcing and collecting the tax within the four days remaining until the effective date.

Preparing the public for payment of the tax, while educating them to the understanding that it is a Federal levy for the Government's national defense program and not an increase in admission scales is the primary job confronting thousands of exhibitors. Trailers and local advertising are being prepared and used for the purpose in all sections of the country.

From Los Angeles comes the suggestion of the Pacific Coast Conference of Independent Theatre Owners that the five newsreels be enlisted to aid in the preparatory campaign.

The exhibitor association suggests

(Continued on page 12)

Griesdorf Acts for Roosevelt in East

David S. Griesdorf, manager of United Artists Winnipeg branch, has been named Eastern representative for the Roosevelt-Bronston production organization. The appointment is effective Monday, when Griesdorf will arrive here to establish his headquarters.

James Roosevelt arrived from Washington and the Coast yesterday for a business visit of a week or 10 days. He said that arrangements have been completed to begin production on "Pot o' Gold," the new company's first feature production, at the end of August or the first of September.

French Official Killed

Word has been received in New York of the death on the battlefield in France of Lieut. Fernand Vincent, director of the French Film Chamber. He formerly was director and executive secretary of the French producers' association. He was in the artillery.

CEA Seeking New Scale of Admission

LONDON, June 26.—Following yesterday's decision, the Cinematograph Exhibitors Association formally will notify British Government tax officials that they reject the purchase tax method of raising additional revenues from the industry, but accept the principle of an increase in the theatre tax.

Further meetings with the Government officials are unlikely until the exhibitor organization has formulated a new admission scale.

The Kinematograph Renters Society is in complete agreement with the new C.E.A. attitude on the tax situation. An active press campaign has been instituted to prepare the public for film admission price increases.

It is understood that tax increases are likely to be introduced as part of a new emergency budget in September.

Ask Court to Stop Stills on 'Dictator'

Charles Chaplin and Charles Chaplin Film Corp. moved in the Federal Court here yesterday to impound stills and other material of the film "The Dictator" which were allegedly "surreptitiously" removed from the studio by Time, Inc., publisher of *Life* magazine. The motion will be argued Tuesday. Chaplin contends that premature publication of a still from the film in *Life* magazine has endangered the sales and promotion program planned for the picture.

Paramount Defers Directors' Meeting

Annual meeting of the Paramount board of directors, which had been scheduled for next Monday, has been postponed to Wednesday because of the absence from the city of Barney Balaban, president, and Stanton Griffiths, chairman of the executive committee. They are scheduled to return to the city Tuesday.

Reelection of all officers of the company is anticipated at this meeting.

Dismiss Ned Mann Suit

LOS ANGELES, June 26.—Federal Judge Harry Hollzer has dismissed the suit by Ned Mann Co. against Walt Disney Productions, charging infringement of a photographic process. The court ruled insufficient evidence was presented to prove allegations but declined to rule on the validity of the Mann patent.

Army Man at Studios

HOLLYWOOD, June 26.—Lieut. Jacinto B. Chong of the Signal Corps of the Philippine Island Army has arrived in Hollywood for a course in film production under the Research Council of the Academy of M. P. Arts and Sciences.

Personal Mention

WALTER GOULD, U. A. division manager for Latin America, left yesterday by plane for Mexico on a tour of offices in his territory.

MONROE GREENTHAL, United Artists exploitation director, is expected here from the Coast early next week.

NORMAN ALLEY, News of the Day cameraman, who returned from Europe recently on a leave of absence, is en route to the Coast to visit his family. He is expected back here in about two weeks.

L. W. CONROW, Altec president, has returned from Chicago and Washington.

JACK BERKSON of Mohawk Film Corp. left for Buffalo yesterday to attend the wedding of his son, ROBERT S. BERKSON, to ANN BRONSTEIN at the Hotel Statler on Sunday.

PETER A. LEWIS of the Film Board of Trade will leave on vacation Monday.

T. A. LITTLE, associated with Craver theatres of Charlotte, N. C., is in Hot Springs for treatment. He is expected to return to Charlotte about July 15.

ED SIEGAL is now managing the Boardwalk Theatre in Arverne, N. J.

RUBE JACKTER, Columbia assistant sales manager, will leave for Detroit on business tonight.

SAM KAPLAN of Century Projector Corp. and Mrs. KAPLAN today are celebrating their 25th wedding anniversary.

TONI SPITZER of the RKO publicity staff is recovering at LeRoy Sanatorium from an appendicitis operation.

TED HALMI of the RKO Orpheum, Denver, is in town.

JOSEPH MOSKOWITZ, LEE SHUBERT, GEORGE JOY and J. J. MILSTEIN at Lindy's (51st St.) yesterday for lunch.

JOHN GOLDEN, MORT SPRING, DAVE BLUM, WILLIAM MELNIKER, ELLIOTT NUGENT, BOBBY CLARK, MORRIS GEST and MAX MARCIN lunching at Sardi's yesterday.

CHARLES E. MCCARTHY, SAM DEMBOW, JR., J. J. UNGER, CHARLES GOLDMAN, WILLIAM GOLDMAN, MR. and MRS. SIDNEY PHILLIPS, JOHN W. HICKS, JR., and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch yesterday.

JULES LEVEY, EDWARD McEVoy, JEFFREY BERNERD, HAL HORNE, ARTHUR LEE, MR. and MRS. JOSEPH MALCOLM, AL MARGOLIES at the Tavern yesterday for lunch.

Hollywood Review

"My Love Came Back"

(Warners)

HOLLYWOOD, June 26.—This, judging by such indices as preview night reaction, is a box-office attraction of top caliber. In either key or subsequent situation, "My Love Came Back" has more than its share of the potentials making for audience appeal.

The cast includes such marquee names as Olivia de Havilland, in her first role since that in "Gone With the Wind," Jeffrey Lynn, Eddie Albert, Jane Wyman, Charles Winninger, Spring Byington, Grant Mitchell and S. Z. Sakall.

The screenplay was by Ivan Goff, Robert Buckner and Earl Baldwin, from a story by Walter Reisch. In essence, the plot is slight, but direction and musical enhancement plus the acting of the principals make its very lack of depth a factor in the film's entertainment qualities.

A poor but talented girl violinist, enacted by Miss de Havilland, is helped financially by a pretended scholarship, the money really deriving from a wealthy patron looking only for the mild stimulation which comes from the innocent relationship he personally establishes with the girl. As the patron, Winninger rollicks through a capable and gay performance.

Complications ensue, involving the affairs of Lynn, and affording opportunity for comedy stemming from the characterizations given by Miss Wyman and Albert as swing musicians and Sakall as a crusty but kindly music teacher.

Kurt Bernhardt's direction, abetted by the Heinz Roemheld music, keeps the picture moving with no letup in tempo or interest, while also contributing spirit and grace to the performance as a whole.

Running time, 85 minutes. "G."*

W. S.

Vincent on 'Flotsam'

HOLLYWOOD, June 26.—James Vincent, former dialogue director for Katharine Cornell, has been signed to a similar post on "Flotsam," Albert Lewin-David L. Loew production for United Artists release.

Helprin En Route

HOLLYWOOD, June 26.—Morris Helprin, aide to Alexander Korda, left today for New York on United Artists release arrangements for Korda's "Thief of Bagdad."

Expect 200 at RKO Tournament Today

More than 200 golfers are expected to attend the RKO annual golf tournament at the Westchester Country Club today at Rye, N. Y.

Among the entrants scheduled to attend are:

George J. Schaefer, W. J. Merrill, C. C. Doering, Frank Donovan, Andre Baruch, George Ronan, Walton Ament, Lawrence Green, N. Peter Rathvon, Fred Erhman, T. P. Durrell, George Parsons, General Harbord, Neil Agnew, Jack Allicoate, A. Cohen, Colvin Brown, Charles E. Casanave, Sam Dembow, Si Fabian, E. Golden, Leonard Goldenson, James Granger, James Cunningham, Abe Montague, Tom Connors, Leon Netter, Martin Quigley, Ed Saunders, Grad L. Sears, Murray Silverstone, Charles P. Skouras, George P. Skouras, Spyros Skouras, Thanos Skouras, Joe Vogel, Terry Ramsaye, Sam Shain, Jr., Ken Hallam, Vincent Trotta, Donald Velde, Mort Heineman, Anson K. Knowles, Walter Peterson, P. D. Reis, Ed Dunphy, Ned E. Depinet, Cresson E. Smith, B. Lion, Phil Reisman, A. A. Schubart, William McShea, H. M. Richey, Ben Cammack, Rutgers Neilson, Bob Mochrie, Bob Hawkinson, Ben Grimm, Charles Levy, Frank Alford, Dan Nolan, George Weiss, E. Waxberg, E. J. McGuire, James Boyle, Jack Level, Arthur Brilant, David Strumpf, M. G. Poller, Harry Michelson, Leon Bamberger, Rudy Montgeles, J. J. Felder, Max Fellerman, Mitchell May, Jr., A. W. Smith, M. Hirsh, B. Hulick, I. Singer, E. Gettinger, Lou Allemen, T. G. Meehan, Carl Rigrod, Walter Seaton, Garrett Van Wagner, John Farmer.

S. Barret McCormick, Lou Gaudreau, R. S. Gavin, Harry Gittleton, Leon Goldberg, A. W. Dawson, L. Miller, William Horne, E. J. Smith, H. R. Emde, M. Polon, Fred Meyers, J. Henry Walters, L. E. Thompson, H. Pimstein, J. J. O'Connor, T. J. O'Connor, A. Jutkovitz, M. Goldstein, L. Sarnoff, B. Sherman, H. Mosely.

Gus Eysell, Leon Netter, Bob Wolff, H. Newcomb, William England, William Whitman, Bob Dann, L. Joffe, G. E. Youngman, D. Canavan, M. L. Maier, A. E. Reoch, C. F. Horstman, W. A. Graham, J. Baker, R. J. Poucher, H. J. Yates, A. Sindlinger, E. A. Williford, J. H. Woods, R. Ungerfelt, J. Lorenzo, J. Hearn, J. Berne, M. Singer, L. S. Kushner, W. Miller.

Maureen O'Sullivan In Canadian Short


MONTREAL, June 26.—Maureen O'Sullivan, who arrived here yesterday, starts work today at Associated Screen News Studios on a short for the Canadian Government designed to promote the sale of war savings certificates.

John Farrow, her husband, who is Controller of Naval Information for the Canadian Government at Ottawa, flew here from the capital to direct his wife in film. Farrow said nothing is definite yet about the possibility of Miss O'Sullivan making feature pictures in Canada.

MOTION PICTURE DAILY

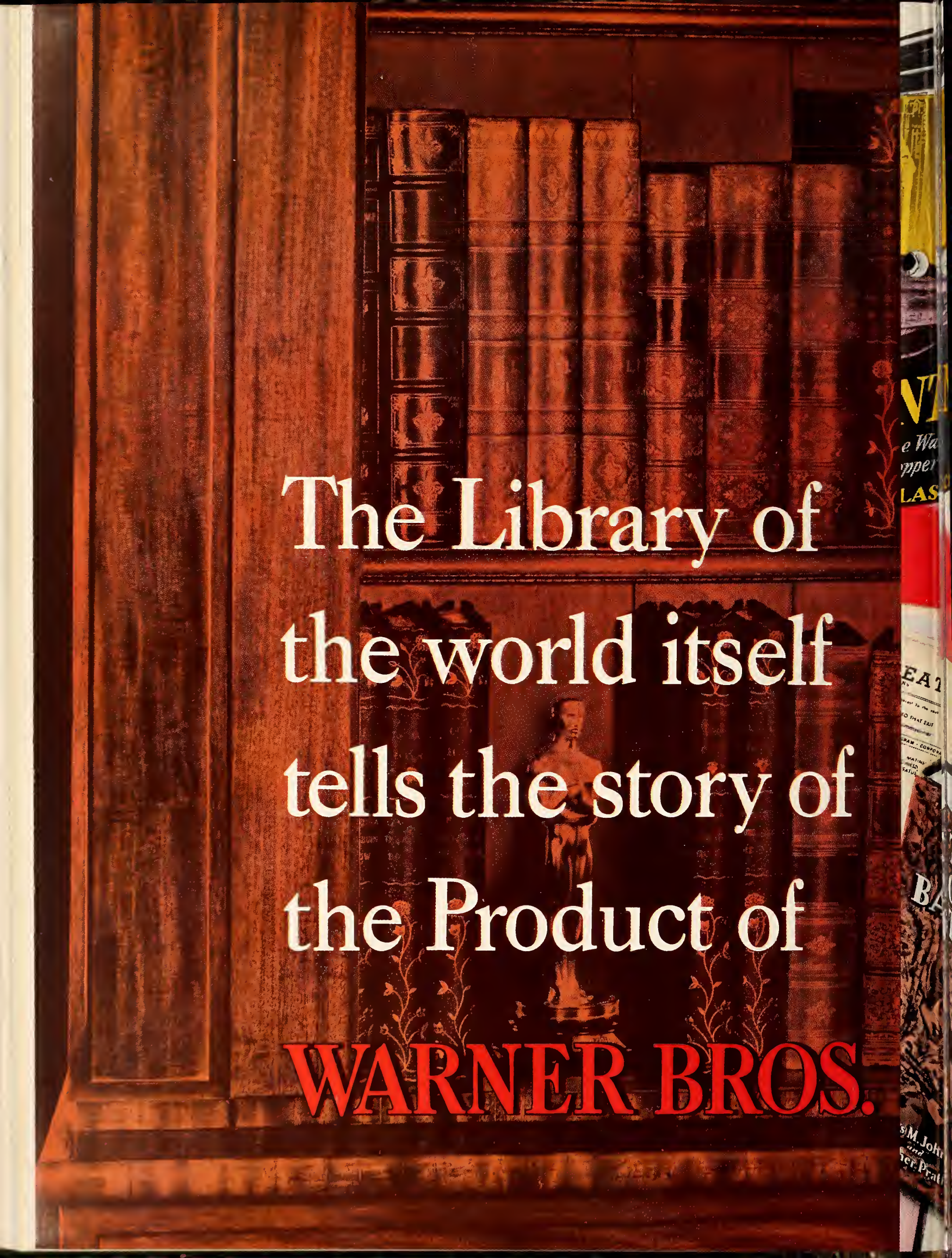
(Registered U. S. Patent Office)

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for 1940, 1941
and beyond

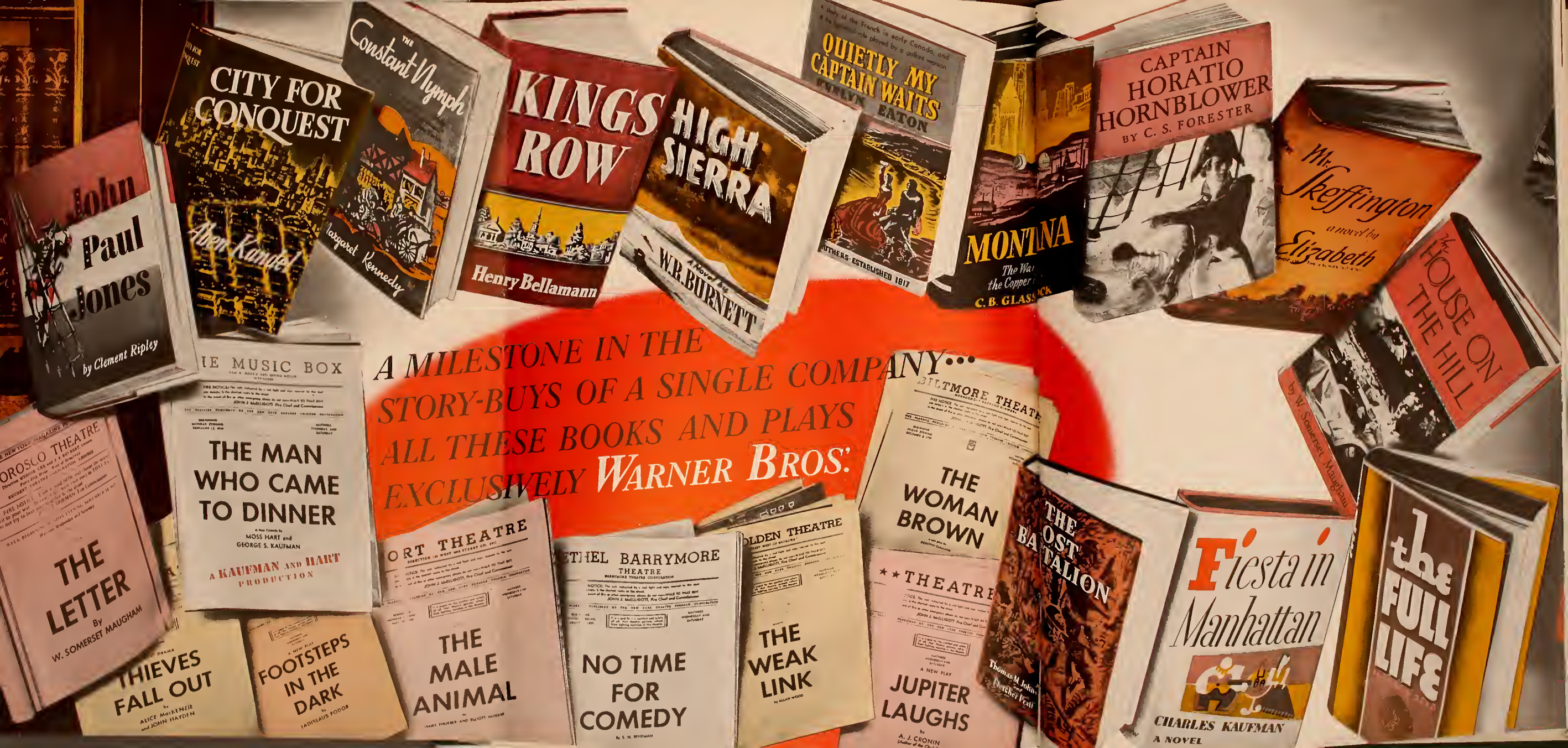
*A Program
that will endure
as the
industry standard
from now on*

The background of the image is a dark, richly textured wooden bookshelf. The shelves are filled with numerous books, their spines showing various patterns and colors. In the center of the lower half of the image, a statue of a man, possibly a classical figure, stands on a pedestal. The lighting is dramatic, highlighting the wood grain and the statue. The text is overlaid on this background.

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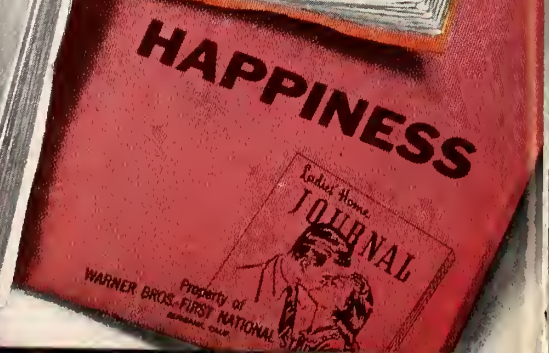
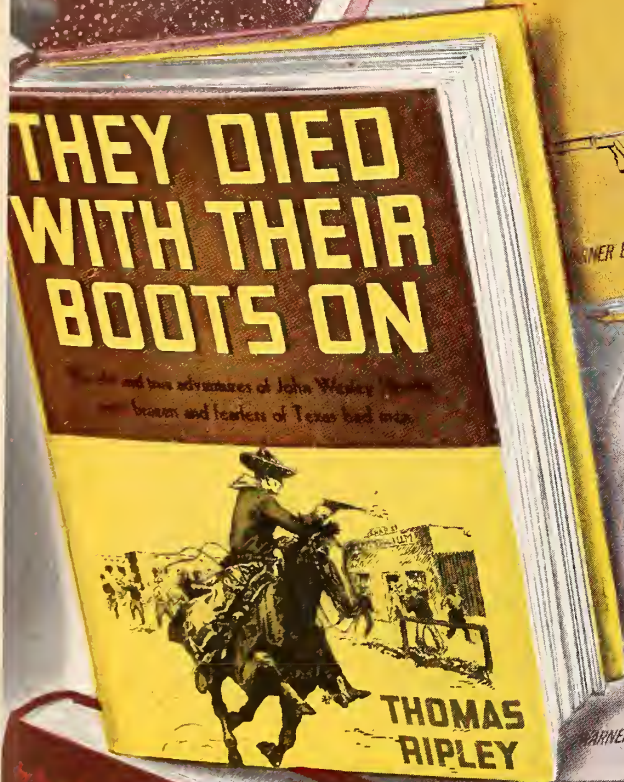
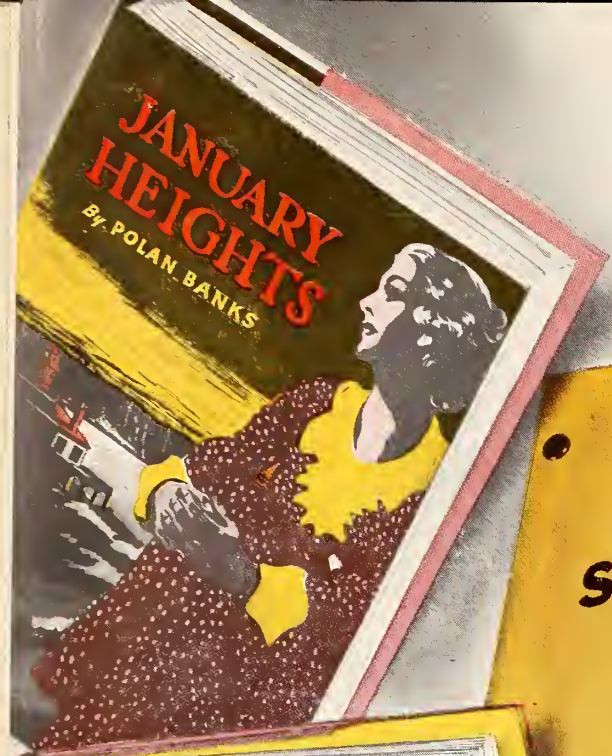
CAPTAIN
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HORNBLOWER
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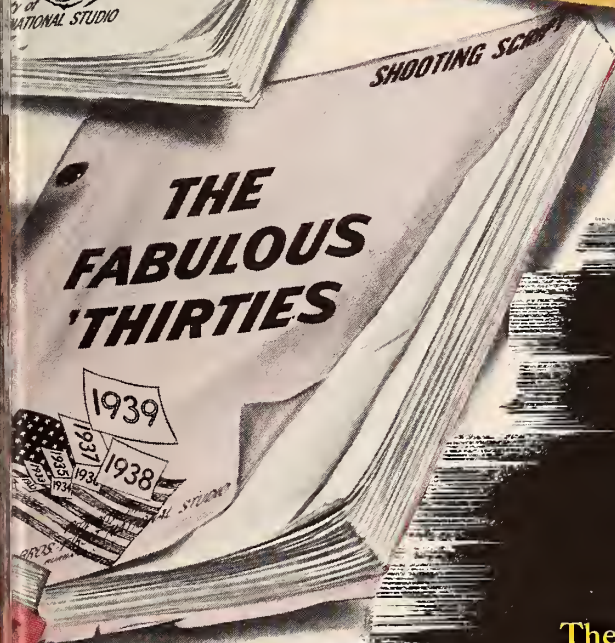
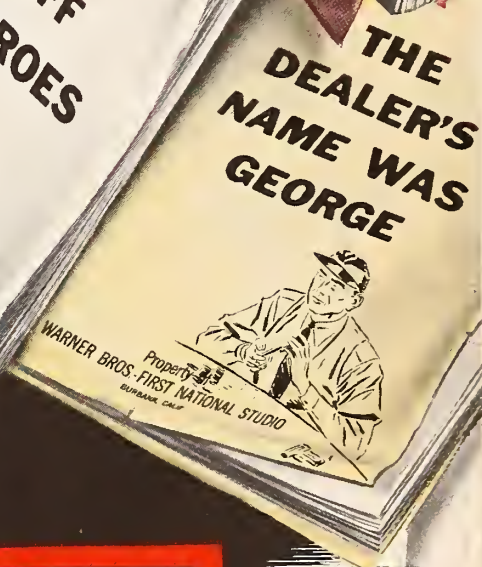
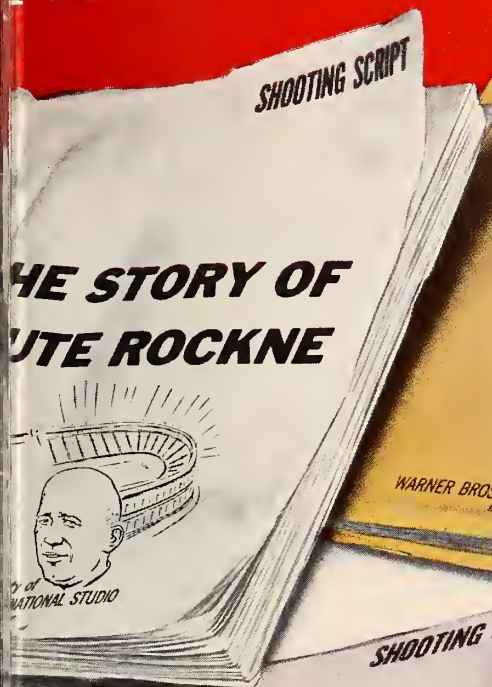
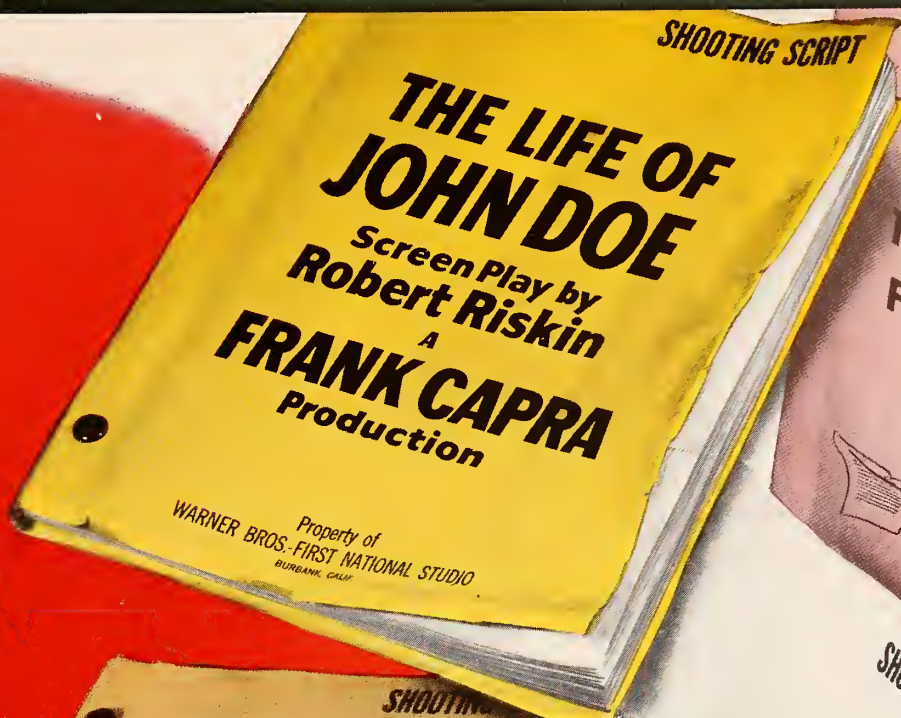


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The material here presented is an indication of the motion pictures which, allowing for the exigencies of production, we contemplate for the season 1940-41.

'Ghost' Takes Strong \$8,100 Seattle Gross

SEATTLE, June 26. — "The Ghost Breakers" and "The Biscuit Eater" scored a good \$8,100 at the Paramount. "Brother Orchid" and a stage show at the Palomar accounted for \$4,400. Others were off.

Estimated takings for the week ending June 21:

"My Favorite Wife" (RKO)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 6th week. Gross: \$3,200. (Average, \$4,000)
"Waterloo Bridge" (M-G-M)
"La Conga Nights" (Univ.)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days. Gross: \$7,200. (Average, \$7,000)
"The Doctor Takes a Wife" (Col.)
LIBERTY—(1,800) (25c-40c-55c) 7 days, 3rd week. Gross: \$3,100. (Average, \$5,000)
"Susan and God" (M-G-M)
"You Can't Fool Your Wife" (RKO)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 2nd week. Gross: \$3,000. (Average, \$4,000)
"Safari" (Para.)
"I Was An Adventuress" (20th-Fox)
ORPHEUM—(2,450) (25c-40c) 7 days. Gross: \$5,800. (Average, \$6,000)
"Brother Orchid" (W. B.)
PALOMAR—(1,500) (20c-25c-40c) 7 days. Vaudeville headed by Angus & Searle Twins. Gross: \$5,400. (Average, \$5,000)
"The Ghost Breakers" (Para.)
"The Biscuit Eater" (Para.)
PARAMOUNT—(3,050) (25c-40c) 7 days. Gross: \$8,100. (Average, \$6,000)

Hope Is Cleveland Smash at \$36,000

CLEVELAND, June 26.—Smashing all previous attendance records at RKO Palace last week, Bob Hope and his stage show drew \$36,000. The picture was "The Saint Takes Over." "Mortal Storm" drew \$13,000 at Loew's State.

Estimated takings for the week ending June 20:

"Lillian Russell" (20th-Fox)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: \$3,500. (Average, \$4,000)
"Irene" (RKO)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: \$7,000. (Average, \$11,000)
"The Saint Takes Over" (RKO)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Bob Hope on stage. Gross: \$36,000. (Average, \$13,500)
"The Mortal Storm" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: \$13,000. (Average, \$11,000)
"Susan and God" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: \$4,000. (Average, \$4,000)

British Film Draws \$7,000 in Montreal

MONTREAL, June 26.—"For Freedom," British film, drew \$7,000 at the Palace, while the second week of "Waterloo Bridge" at Loew's accounted for \$6,500. The weather was cool.

Estimated takings for the week ending June 21:

"20-Mule Team" (M-G-M)
"The Ghost Comes Home" (M-G-M)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: \$6,400. (Average, \$8,000)
"Waterloo Bridge" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 2nd week. Gross: \$6,500. (Average, \$10,000)
"The House Across the Bay" (U. A.)
"Heaven With a Barbed-Wire Fence" (20th-Fox)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: \$1,800. (Average, \$5,000)
"For Freedom" (British)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: \$7,000. (Average, \$10,000)
"Alias the Deacon" (Univ.)
"Enemy Agent" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: \$2,300. (Average, \$5,000)

Grosses in Summer Slump; \$1,090,300 from 133 Houses

That the Summer, with its outside competition and warm weather, has taken its toll of the nation's theatre receipts is indicated in the total of \$1,090,300 from 133 theatres in a score of key cities for the week ending June 14-15.

The decline is indicated in the tabulation below, as compiled by MOTION PICTURE DAILY from weekly box-office reports of key city theatres. The total for the most recent week compares with \$1,189,600 from 138 theatres for the week ending June 7-8, and with a total of \$1,810,700 for the week ending March 1-2.

The following tabulation indicates the total gross each week and the number of theatres reporting, since last September.

Sept. 7-8	145	\$1,490,144
Sept. 14-15	148	1,409,600
Sept. 21-22	151	1,399,745
Sept. 28-29	154	1,487,900
Oct. 5-6	154	1,389,650
Oct. 12-13	137	1,279,000
Oct. 19-20	147	1,387,550
Oct. 26-27	147	1,363,300
Nov. 2-3	149	1,371,400
Nov. 9-10	138	1,386,200
Nov. 16-17	154	1,487,000
Nov. 23-24	154	1,421,200
Nov. 30-Dec. 1	154	1,565,300
Dec. 7-8	153	1,510,750
Dec. 14-16	147	1,201,750
Dec. 21-22	149	1,182,900
Dec. 29-30	147	1,493,200
Jan. 5-6, 1940	159	2,077,200
Jan. 12-13	145	1,333,150
Jan. 19-20	140	1,453,300
Jan. 26-27	151	1,507,800
Feb. 2-3	157	2,171,600
Feb. 9-10	157	2,025,300
Feb. 16-17	151	1,785,200
Feb. 23-24	154	1,777,300
March 1-2	160	1,810,700
March 8-9	159	1,794,700
March 15-16	154	1,590,400
March 22-23	156	1,504,100
March 29-30	157	1,790,600
April 5-6	147	1,463,500
April 12-13	153	1,467,700
April 19-20	143	1,355,300
April 26-27	143	1,321,800
May 3-4	148	1,347,900
May 10-11	150	1,299,000
May 17-18	148	1,184,400
May 24-25	134	1,048,100
May 31-June 1	147	1,260,900
June 7-8	138	1,189,600
June 14-15	133	1,090,300

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Theatre Changes

Takes Missouri Theatre

KANSAS CITY, June 26.—Mrs. Ruth Hannon has taken over operation of the Lyric at Plattsburg, Mo., from Thomas Wilhoit. The latter will return to Springfield, Mo., where the family has other interests. The Wilhoits operate the Park at Eldorado Springs, Mo., and the Strand at Mt. Vernon, Mo.

Two Close in New York

WADDINGTON, N. Y., June 26.—William Clark's Colonial Theatre here has closed, as has the Central School Theatre, at Gilbertsville, N. Y.

Open 3 in Albany Area

ALBANY, June 26.—Three Summer theatre openings in this area include the Adirondack, operated by Harry Gallup at Speculator, N. Y.; Westport, at Westport, N. Y., and Saranac Lake Inn Theatre, at Saranac Lake, N. Y.

Rochester House Damaged

ROCHESTER, June 26.—Interior of the Lyric at nearby Bolivar was damaged in a \$15,000 fire. Lobby, office and projection room, from which 12,000 feet of film were removed during the blaze, was undamaged. Sound equipment was destroyed. The theatre, only one in Bolivar, is owned and operated by Samuel Gandel.

Takes N. Y. Theatre

FAUST, N. Y., June 26. — Harry Savett, who operates theatres in Antwerp and Fort Leyden, N. Y., is taking over the Lyric here, formerly operated by Charles Gerard.

Remodeling Missouri House

KANSAS CITY, June 26.—The Majestic at Memphis, Mo., operated by Eben Hays, is to be thoroughly remodeled and reequipped. Hays will rename the house the Time. He will spend about \$20,000 on the remodeling.

Republic Withdraws 'Refugee' Broadside

The mailing piece recently issued by Republic Pictures on "The Refugee" (since retitled "Three Faces West") and sent to company accounts and newspapers, has been withdrawn from circulation.

The face of the mailing piece featured the figure of a nude woman which had nothing to do with the film advertised.

It has been learned that the mailing piece was made up, printed and mailed from the Coast. From the Hays office it was learned that the copy was not previously submitted to the Advertising Advisory Council in Hollywood. William Saal, Coast Republic executive, is said to have been responsible for the broadside and to have dispatched it without consultation with Herbert J. Yates, who was en route from the home office to the Coast at the time.

When the mailing piece was brought to Yates' attention he took immediate steps to recall as many as possible and indicated considerable displeasure with the advertisement.

Officials of the Advertising Advisory Council have indicated their feeling that the broadside was in the nature of an "impulsive mistake," since the office heretofore has had no difficulty with Republic and has regarded its advertising in the past as "clean and proper." It was said that in view of this record and assurances a similar incident would not happen again, the matter was considered "settled."



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QUIGLEY BOOKSHOP
ROCKEFELLER CENTER, NEW YORK

Trade Ready To Meet New Federal Tax

(Continued from page 1)

that the newsreels carry material in several successive issues which would make clear that the tax has been imposed to help pay for the defense program and that theatres have been urged to pass it along to the public. The suggestion went out in the form of a letter to distributors. It had not been received in New York up to yesterday and consequently distributors have been unable to act on the suggestions.

Joseph Bernhard, Warner Theatres general manager, in asserting that that circuit would add the tax to present

N. J. Allied Votes to Add Tax to Scales

Asbury Park, N. J., June 26.—Members of New Jersey Allied meeting at the Berkeley-Carteret Hotel here today voted to add the new Federal admission tax to present scales. Should this policy have an adverse box-office reaction, however, it has been agreed that the exhibitors will absorb the tax. Lee Newbury presided.

admission prices in all situations, said he considered the collection of the tax "a patriotic obligation to help make the people defense-conscious."

Circuit operators pointed out that local departures from the policy which will be followed nationally are to be expected but will be determined by individual theatre situations or local business conditions. For example, it was said that some theatres which have been holding to a 40-cent top up to now despite prosperous local business conditions undoubtedly will increase their scales wherever the traffic will bear it.

On the other hand, it was said, some neighborhood and small city theatres now charging 25 cents and already absorbing or collecting a state or municipal tax, may be forced by local business conditions to reduce to 20 cents to avoid the added Federal tax. Where this is done, first run theatres, too, may be forced to reduce their scales to prevent too great a spread between first and subsequent run prices.

These exceptions to the general tax policy, however, will not be numerous enough to alter the prevailing national admission base to any important extent, in the opinion of most circuit officials.

Sees Tax Causing 'Havoc' for Ohio

COLUMBUS, June 26.—The Federal admission tax will cause "havoc and consternation" among theatres in the 20 to 30-cent price brackets and disrupt existing availability schedules in situations where 25 and 30-cent first subsequent scales prevail, in the opinion of P. J. Wood, secretary of the I.T.O. of Ohio.

Twenty-five cents houses cannot afford to absorb the tax and reduce their price to 22 cents, Wood said in

Critics' Quotes . . .

"FOUR SONS" (20th Century-Fox)

An intensely moving story and today's headlines are likely to give it additional bitterness . . . unrelieved by any gaiety, has plenty of conviction but not much spontaneity.—*Doris Arden, Chicago Daily Times.*

Leontovich is better than "Four Sons." The plot and emotions of the film fall short of the possibilities of the grim theme.—*C. J. Bullett, Chicago Daily News.*

Presented with force and feeling . . . Excellent settings, direction, and photography . . . The film is laudably brief and goes about its business with no nonsense at all.—*Chicago Tribune.*

"TOM BROWN'S SCHOOL DAYS" (RKO)

Constantly interesting . . . should fill an especial niche for the public satisfaction, particularly since it has been from a classic of English literature.—*Edwin Schallert, Los Angeles Times.*

Spirited, weepy in spots and at all times boyish with a lovable charm . . . If you liked "Goodbye, Mr. Chips," I am certain you will enjoy "Tom Brown's School Days."—*Jimmy Starr, Los Angeles Herald Express.*

A sympathetic and meritorious adaptation of a literary classic . . . I think children will enjoy "Tom Brown's School Days" and so will their elders if they can forget adult tragedies long enough to remember adolescent ones.—*Los Angeles Examiner.*

"BROTHER ORCHID" (Warners)

Earl Baldwin's screenplay crackles with rib-tickling dialogue . . . Lloyd Bacon has directed at so breathless a pace that the audiences' laughter blankets more than one of the breezy speeches of the star and his fellow players.—*Mildred Martin, Philadelphia Inquirer.*

A combination of comedy and moral preachment—with laughs interpolating even the film's serious message: that peace and happiness come only through service to others.—*Philadelphia Record.*

Many cuts above the ordinary species . . . comedy tinged with pathos.—*Dorothy Guinan, Philadelphia Daily News.*

An amusing hodge-podge of gags, sentimentality and fireworks, with one of the best knockout brawls—when Robinson and the Texas cowboys clean up the city crooks—the screen has seen for months.—*Laura Lee, Philadelphia Bulletin.*

Rich and rowdy entertainment with a tug at the heart . . . a unique treatment of the gangster theme and it doesn't rest entirely on novelty. It backs its ideas with a solid mixture of laughs and philosophy.—*Henry T. Murdock, Philadelphia Ledger.*

a bulletin to exhibitors. Neither can they risk adding the three-cent tax to the 25-cent admission, because of too great a spread between these houses and those which will be tax exempt because of their 20-cent price, Wood said. The 20-cent houses also will be seriously affected, Wood thinks, due to competition resulting from the 25-cent houses reducing the price to 20 cents to come within the exemption specified in the amended law.

Chicago Houses to Pass Tax to Public

CHICAGO, June 26.—A check among circuit and independent theatre operators here indicates that the exhibitors will not absorb the new Federal admission tax of 10 per cent on admissions over 20 cents, which becomes effective July 1. The levy is expected to be passed on to the public.

Virginia Exhibitors To Pass Levy On

RICHMOND, June 26.—It was agreed at the Summer convention of the M.P.T.O. of Virginia this week at Old Point Comfort that the new 10 per cent Federal admission tax should be passed on to the public. Virtually every theatre in Virginia was represented at the meeting.

The directors voted to hold the Winter convention in Washington, between Jan. 15 and Feb. 15, with A. Frank O'Brien of Richmond as chairman.

Price Reduction Seen Possible in Kansas City

KANSAS CITY, June 26.—Announcement that the admission tax will begin at 21 cents was regarded rather

gloomily by exhibitors here. The belief was expressed that stopping the tax at this point, rather than beginning it at 10 cents, may force many 25-cent houses down to 20 cents, and affect some 30 and 35-cent spots. Because it will be of advantage to the 15 and 20-cent theatres, the first runs charging over 25 cents (most of them here charge 40 cents) will not be able to increase the admission. Some 25-cent houses may absorb the tax rather than go to 20 cents. This will mean further downward pressure on prices above 20 cents.

Phila. Theatres May Drop Price to 20 Cents

PHILADELPHIA, June 26.—Many houses in this territory charging 25 cents are considering dropping their admission to 20 cents to avoid the new Federal admission tax, for which the exemption is 20 cents, in order to avoid too great a margin between runs. Houses charging 25 cents, plus a one-cent Philadelphia tax, would be forced to charge 29 cents with the addition of the Federal tax. Houses charging 20 cents pay only the local levy, for a total of 21 cents. The eight-cent differential is considered too great.

Open Alabama Drive-In

MONTGOMERY, Ala., June 26.—The new Drive-In Theatre, located in front of the Municipal Airport on the Wetumpka Highway, has opened. The theatre has a capacity of 230 cars.

Henderson Theatre Opens

HENDERSON, N. C., June 26.—S. S. Stevenson has opened the 700-seat Embassy here.

Defense Probe Of Witnesses Is Under Way

(Continued from page 1)

that the Government and defense still have not reached an agreement on any basic proposal under discussion.

The investigations so far completed permit a classification of witnesses into four distinct groups, one attorney engaged in the work disclosed. These are: exhibitors who, despite their claims of having been "driven out of business" or charged exorbitant and discriminatory rentals, frequently appear to be prosperous; witnesses who have long records of defaults in payments to distributors or unfulfilled contracts; witnesses who have the record and reputation of dealing harshly with their competition, and, lastly, witnesses with apparently sound grievances which, however, infrequently involve any violation of the anti-trust laws on the part of distributors.

The development of this background of prospective witnesses for the Government, however, while it has added vitally to the defense's view of the soundness of its position in a trial, has not lessened the defendants' desire to attempt to settle the case out of court. The great cost of trial, estimated at \$3,500,000 more than has been spent already, and the time and effort of industry executives which would be devoted to a trial, are and will continue to be as impelling reasons for the defense to desire a settlement as any which could conceivably motivate the Government, attorneys point out.

Drop Auditorium Board

KANSAS CITY, June 26.—The City Council has abolished the board of governors that has operated the Municipal Auditorium the past year, and will name a director, who will be aided by an advisory board representing civic and business interests. The former governing board included no one from the entertainment field.

Form Two Companies

ALBANY, June 26.—Two new companies formed here are the Mayfair Cinema Company, Inc., by Leo Karp, Jacob Karp and Elias Karp of Syracuse, and Players Productions, Inc., by Dennis Hoey, Ellis Baker and Peggy Converse.

Boyar Sets First Play

The newly formed Boyar Associates will produce as its first play, "Bang-tails," by Henry Misrock and Sol Rosen, in September. Max Cohen, head of Cinema Circuit, is one of the principals in Boyar Associates.

Premiere in Frisco

SAN FRANCISCO, June 26.—Premiere of RKO's "Cross Country Romance" will be held at the Golden Gate Theatre here July 31 with Gene Raymond, co-starred in the film, making a personal appearance.

Northwest Golf July 24

SEATTLE, June 26.—The annual golf tournament of the Northwest Film Club will be held July 24 at the Inglewood golf course. A supper and entertainment will follow.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]



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JUNE 14

June 21

June 21

JUNE 28

Stone Age Cartoon
THE UGLY DINO

Popeye the Sailor
NURSE-MATES

Color Cruise
PACIFIC PARADISE

Paragraphic
DANGEROUS DOLLARS

100%
BOX OFFICE
tested

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
May 31	Lone Wolf Meets a Lady (D) W. William Jean Muir	Phantom Raiders (D) Walter Pidgeon Florence Rice		Those Were the Days (G-C) Wm. Holden B. Granville	Women in War (G-D) Elsie Janis Wendy Barrie	Bill of Divorcement (D) Maureen O'Hara Adolph Menjou	Girl in 313 (G-D) Florence Rice Kent Taylor		La Conga Nights (G-M) Bad Man From Red Butte (O)	Murder in the Air (D) Ronald Reagan John Littel
June 7	Passport to Alcatraz (D) Mad Men of Europe (D)	Susan and God (A-D) Fredric March Joan Crawford	Riders from Nowhere (O) Jack Randall	Hidden Gold (G-O) William Boyd Russell Hayden		Saint Takes Over (G-D) Prairie Law (O) George O'Brien	Earthbound (A-D) Warner Barter Andra Leeds		No Exit (D) Wallace Ford Kathryn Adams	Brother Orchid (G-D) Ed. G. Robinson Bogart-Sothorn
June 14		The Mortal Storm (G-D) M. Sullivan Jimmy Stewart	On the Spot (G-D) Frankie Darro Mary Korman	Safari (G-D) Fairbanks, Jr. M. Carroll	Grand Ole Opry (O) Weaver Bros. and Elvira	Tom Brown's School Days (D) F. Bartholomew Sir C. Hardwicke	Four Sons (G-D) Don Ameche Alan Curtis		Sandy Is a Lady (G-C) Baby Sandy Nan Gray	Fugitive from Justice (G-D) Roger Pryor Lucile Fairbanks
June 21	Girls of the Road (D) Lola Lane Helen Mack	The Captain Is A Lady (G-D) Virginia Grey Billie Burke	Wild Horse Range (O)	The Ghost Breakers (G-C) Bob Hope P. Goddard	Wagons Westward (O) Chester Morris Anita Louise	Pop Always Pays (G-C) Leon Errol	Charlie Chan's Murder Cruise (D) Sidney Toler		I Can't Give You Anything But Love, Baby (M) B. Crawford	Gambling on the High Sea (D) Wayne Morris
June 28	Return of Wild Bill (O) Bill Elliott Iris Meredith	New Moon (G-M) Nelson Eddy J. MacDonald	Last Alarm (D) Warren Hull Polly Ann Young	Queen of the Mob (A-D) Ralph Bellamy Blanche Yurka	Carson City Kid (O) Roy Rodgers One Man's Law	Anne of Windy Poplars (G-D) Anne Shirley James Ellison	Lucky Cisco Kid (G-O) Cesar Romero Evelyn Venable		All This and Heaven Too (D) Bette Davis Charles Boyer	All This and Heaven Too (D) Bette Davis Charles Boyer
July 5	Out West With the Peppers (C) Edith Fellows	Andy Hardy Meets a Debutante (C) Mickey Rooney Lewis Stone	Golden Trail (O) Tex Ritter	Way of All Flesh (G-D) Tamiroff Gladys George	Three Faces West (D) John Wayne Sigrid Gurie	Dr. Christian Meets the Women (G-D) Jean Hersholt	Sailor's Lady (D) Nancy Kelly Jon Hall	South of Pango (D) V. McLaglen Jon Hall	Private Affairs (G-C) Nancy Kelly Roland Young	Man Who Talked Too Much (D) George Brent V. Bruce
July 12		Sporting Blood (D) Bob Young M. O'Sullivan	Pride of the Prairie (O) Fred Scott	Stagecoach War (O) Bill Boyd Russell Hayden	Scatterbrain (C) Judy Canova Alan Mowbray	Millionaires in Prison (G-D) Lee Tracy Linda Hayes	Manhattan Heartbeat (G-D) Robert Sterling Virginia Gilmore		Black Diamonds (D) Richard Arlen Andy Devine	My Love Came Back (C) O. DeHavilland J. Lynn
July 19	Military Academy (D) Tommy Kelly Bobby Jordan	We Who Are Young (D) Lana Turner John Shelton	Haunted House (D) Marcia Mae Jones Jackie Moran		Carolina Moon (O) Gene Autry Smiley Burnette	Cross Country Romance (C) Gene Raymond Wendy Barrie	Maryland (D) Walter Brennan Fay Bainter		Arizona Cyclone (O) Johnny M. Brown	Bridegroom Misbehaves Rosemary Lane
July 26	Blondie Has a Servant Trouble (C) Singleton-Lake	Pride and Prejudice (D) Greer Garson L. Olivier	Boys of the City (D) East Side Kids	Untamed (G-D) Ray Milland P. Morison A. Tamiroff	Girl From God's Country (O) Morris Wyatt	Stage to Chino (O) Stranger on the Third Floor			You're Not So Tough (G-D) Dead End Kids Nan Grey	They Drive By Night (D) Ann Sheridan H. Bogart
Aug. 2	It Happened in Paris (D) Brian Aherne		Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) Richard Deming Robert Paige		Lucky Partners (D) Ginger Rogers Ronald Colman	The Great Profile (C) J. Barrymore Mary B. Hughes		Modern Monte Cristo (D) V. McLaglen Anne Nagel	
Aug. 9			Shadows Over Chinatown (D) Chamber of Horrors (D)	Mystery Sea Raider (D) H. Wilcoxon Carole Landis		One Crowded Night (D) William Haade Billy Seward	Street of Memories (D) Lynn Roberts Guy Kibbee		Boys from Syracuse (C) Allan Jones Martha Raye	
Aug. 16				Comin' Round the Mountain (C) Burns-Merkel		Queen of Destiny (D) Anna Neagle Anton Walbrook			Hired Wife (C) R. Russell Brian Aherne	

Business Off; 'Doctor' Best In Twin Cities

MINNEAPOLIS, June 26.—The best in a slow week here was \$5,200 for "The Doctor Takes a Wife" at the Orpheum. In St. Paul the same film at the Orpheum drew \$3,800.

Estimated grosses for the week ending June 20:

Minneapolis

"Hidden Gold" (Para.)
"Lone Wolf Meets a Lady" (Col.)
"This Is London" (20th-Fox)
"Prairie Law" (RKO)
ASTER—(900) (15c-25c) 7 days; dual bills, split week. Gross: \$1,500. (Average, \$1,800)
"Saturday's Children" (W. B.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: \$1,600. (Average, \$4,000)
"If I Had My Way" (Univ.)
ESQUIRE—(290) (25c-40c) 7 days. Gross: \$900. (Average, \$1,000)
"Two Girls on Broadway" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: \$2,500. (Average, \$2,500)
"The Doctor Takes a Wife" (Col.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: \$5,200. (Average, \$5,500)
"Susan and God" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: \$4,600. (Average, \$5,500)
"Lillian Russell" (20th-Fox)
WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: \$1,500. (Average, \$1,600)

St. Paul

"The Doctor Takes a Wife" (Col.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: \$3,800. (Average, \$4,000)
"Susan and God" (M-G-M)
PARAMOUNT—(25c-40c) 7 days. Gross: \$3,400. (Average, \$4,500)
"The House Across the Bay" (U. A.)
RIVIERA—(1,000) (25c) 7 days. Gross: \$1,600. (Average, \$1,800)
"The Man With Nine Lives" (Col.)
"Courageous Dr. Christian" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: \$1,800. (Average, \$1,800)
"If I Had My Way" (Univ.)
"Saps at Sea" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: \$1,300. (Average, \$1,000)

Armstrong, 'Road' Get \$11,000, Buffalo

BUFFALO, June 26.—Aided by Louis Armstrong and his orchestra on the stage, "The Crooked Road" accounted for \$11,000 at the Twentieth Century. "Four Sons" and "Charlie Chan's Murder Case" pulled \$6,800 at the Great Lakes.

Estimated takings for the week ending June 22:

"Susan and God" (M-G-M)
BUFFALO—(3,489) (30c-35c-55c) 7 days. D'Artega and orchestral ensemble in Hits & Encores, the Hansonettes, Gertrude Lutzi, Meyer Balsom & Al Springman. Gross: \$11,700. (Average, \$12,000)
"Four Sons" (20th-Fox)
"Charlie Chan's Murder Case"
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: \$6,800. (Average, \$7,500)
"Earthbound"
"Gaucho Serenade"
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: \$3,700. (Average, \$6,800)
"The Crooked Road" (Rep.)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Louis Armstrong and orchestra on stage, with the Cotton Club Revue, Stump & Stumpy, Big Time Crip, Midge Williams, Sonny Woods and Binky & Margie. Gross: \$11,000. (Average, \$7,500)
"Babies for Sale" (Col.)
"Outside the Three-Mile Limit" (Col.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: \$3,800. (Average, \$6,300)

'U' Gets 'The Fugitive'

Universal has acquired American distribution rights to "The Fugitive," a Josef Somlo British production, starring Ralph Richardson and Diana Wynward. The picture will be released here tomorrow.

Feature Reviews

"Convoy"

(Associated British)

LONDON, June 7 (By Mail)—Two angles of appeal dominate this latest Admiralty-blessed production from the Ealing Studios—that it exploits the heroism and excitement of battle, and that it has an authentic background of today. Although it has a propagandist point in dramatizing—excitingly and vividly—the work of the British Navy in conveying the world's merchantmen, it stands on its own feet as a rousing example of thrill-packed and spectacular entertainment.

The Admiralty collaborated, and the result is some vivid canvases of spectacular excitement and realism. With the patriotic element ready for home consumption, the documentary treatment appealing to neutrals, and the general entertainment punch to both, exhibitors on this side of the Atlantic and the other should find ready made box-office qualities in the film.

There is a central personal theme about a naval captain and a lieutenant who ran away with his wife. They meet in the storm and stress of battle and the latter expiates his wrong in a heroic death. It seems to matter less than the vivid glimpses of the convoy at work, of submarine attack and air defense, and of the smashing naval battle between a British cruiser and a German battleship, which brings the film to a climax.

Clive Brook is the captain and John Clements the cocky philandering lieutenant, who gets away, in the course of events, with most unorthodox escapades. Edward Chapman as a hardfisted North Country tramp skipper is extremely effective.

Technically "Convoy" rates as highly as need be, camerawork being notably effective.

Running time, 90 minutes. "A."*

AUBREY FLANAGAN

*"A" denotes adult classification.

"Cross Country Romance"

(RKO-Radio)

HOLLYWOOD, June 26.—This is a flip and frivolous cross-country comedy returning Gene Raymond to the screen opposite Wendy Barrie and accompanied by such supporting talent as Hedda Hopper, Billy Gilbert, George P. Huntley, Berton Churchill, Tom Dugan, Edgar Dearing, Frank Scully, Cliff Clark and Dorothea Kent.

Pertaining to the romance and adventures encountered by a young man of modest means and a masquerading heiress in the course of a trailer trip from New York to Salt Lake City and part way back, then off to China aboard ship, the film inevitably recalls "It Happened One Night" without following that precedent too closely for entertainment.

Produced by Cliff Reid on the Lee Marcus side of the RKO-Radio production setup, the film was directed by Frank Woodruff from a screenplay by Jerry Cady and Bert Gravet based on a novel by Eleanor Brown. Best individual comedy is by Gilbert, seen here again as the restaurateur befuddled by what goes on, but beaming.

Running time, 66 minutes. "G."*

ROSCOE WILLIAMS

"The Last Alarm"

(Monogram)

J. Farrell MacDonald, starred, and Mary Gordon, featured herein, are perfectly suited for their roles in this T. R. Williams production. Lending capable support are Polly Ann Young and Warren Hull. The original screenplay by Al Martin was directed by William West.

Although the story starts slowly, action and suspense are injected gradually, culminating in a highly melodramatic pursuit of a pyromaniac, who finally meets death in a raging fire.

MacDonald, an elderly fireman, finds his involuntary retirement monotonous. Miss Gordon is splendid as his comforting wife. A series of fires which have destroyed countless properties and have cost the life of a friend, brings MacDonald to the scene of action, aiding a young insurance detective, Warren Hull. George Pembroke, an antique dealer, discovered to be the firebug, is trapped by MacDonald in the latter's home, after a suspense-laden chase. The romantic interest of Miss Young, as MacDonald's daughter, and Warren Hull is subordinated to the action.

Running time, 61 minutes. "G."*

*"G" denotes general classification.

'Favorite' Is Loop Winner With \$31,000

CHICAGO, June 26.—"My Favorite Wife," with a stage show, drew \$31,000 at the Oriental. "Gangs of the City," plus Ozzie Nelson's band on the stage of the State-Lake, accounted for \$20,000.

Estimated takings for the week ending June 21:

"Lillian Russell" (20th-Fox)
APOLLO—(1,400) (35c-55c-75c) 7 days, 2nd week. Gross: \$3,500. (Average, \$6,500)
"Torrid Zone" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Ethel Waters. Gross: \$34,000. (Average, \$32,000)
"I Was An Adventuress" (20th-Fox)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: \$3,000. (Average, \$5,000)
"My Favorite Wife" (RKO)
ORIENTAL—(3,200) (35c-55c-75c) 7 days. Stage: Bill Bardo & Band. Gross: \$31,000. (Average, \$13,000)
"My Son, My Son" (U. A.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: \$6,500. (Average, \$11,000)
"Gangs of the City" (Rep.)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Ozzie Nelson & Band. Gross: \$20,000. (Average, \$15,000)
"Waterloo Bridge" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: \$8,500. (Average, \$14,000)
"Gone with the Wind" (M-G-M)
WOODS—(1,100) (75c-\$1.10-\$1.50) 7 days, 21st week. Gross: \$6,000.

'Scandals' \$11,500 Best in Kansas City

KANSAS CITY, June 26.—"George White's Scandals" and "I Can't Give You Anything But Love, Baby," gave the Tower \$11,500. "The Mortal Storm," with "Phantom Raiders," gave the Midland \$10,200.

Estimated takings for the week ending June 18-19:

"Sandy Is a Lady" (Univ.)
ESQUIRE—(800) (25c-40c) 6 days. Gross: \$1,900. (Average, 6 days, \$2,100)
"The Mortal Storm" (M-G-M)
"Phantom Raiders" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: \$10,200. (Average, \$9,500)
"Brother Orchid" (W. B.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: \$4,100. (Average, \$7,000)
"I Can't Give You Anything but Love, Baby" (Univ.)
TOWER—(2,200) (25c-40c-50c) 6 days. Stage: George White's Scandals. Gross: \$11,500.
"Sandy Is a Lady" (Univ.)
UPTOWN—(2,000) (25c-40c) 6 days. Gross: \$2,500. (Average, 6 days, \$3,000)

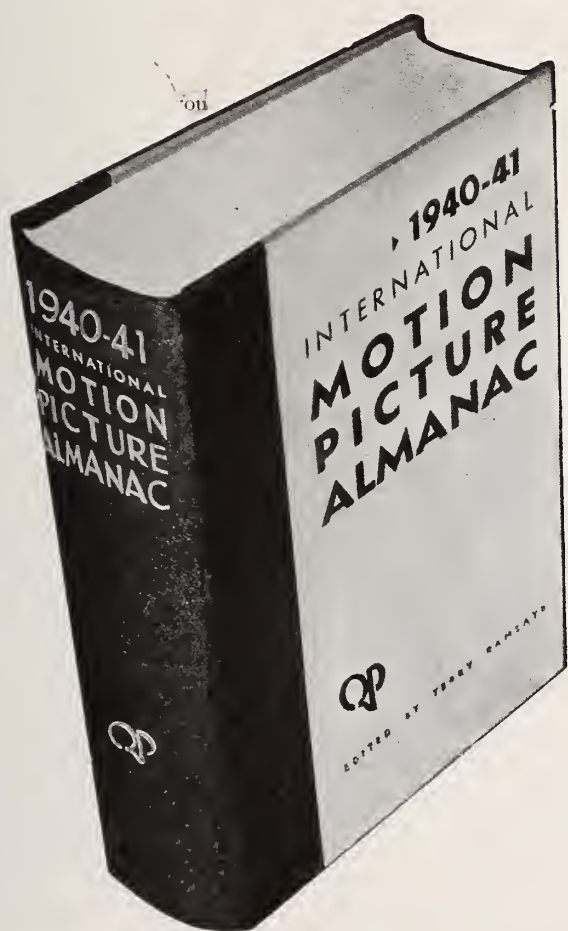
'21 Days' at \$8,500 Indianapolis' High

INDIANAPOLIS, June 26.—"21 Days Together" on the screen and Major Bowes on the stage at the Lyric was the only bill to pass average, with \$8,500.

Estimated takings for the week ending June 21:

"Safari" (Para.)
"Flight Angels" (W. B.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: \$5,800. (Average, \$6,000)
"Brother Orchid" (W. B.)
"Sandy Is a Lady" (Univ.)
INDIANA—(3,200) (25c-40c) 7 days. Gross: \$4,600. (Average, \$5,000)
"The Mortal Storm" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEWS—(2,800) (25c-40c) 7 days. Gross: \$6,500. (Average, \$7,000)
"21 Days Together" (Col.)
LYRIC—(2,800) (25c-40c) 7 days. Stage: Major Bowes' Revue. Gross: \$8,500. (Average, \$8,000)

SO THAT HE WHO RUNS MAY READ!



Edited by TERRY RAMSAYE

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FCC Upholds Competitive Broadcasting

WASHINGTON, June 26.—Holding that the intent of Congress to keep broadcasting competitive and Supreme Court declarations confirming the theory of competition would be nullified if a construction permit for a new station was denied merely because its competition would have an adverse effect on an existing station, the Federal Communications Commission has denied an application for a rehearing filed by WLEU, Erie, Pa., contesting the establishment of a new station in that city by the Presque Isle Broadcasting Co.

"It is a direct contradiction of the proposition that free competition is the basic principle of the American system of broadcasting to contend that the commission is under a duty to consider the effect which competition may have upon the ability of an existing licensee to continue to serve the public," it was declared, the commission adding that the failure of the existing station would not affect public interest since it could not occur unless the competing station rendered a superior service.

"The Supreme Court has made it perfectly clear that 'Congress intended to leave competition in the field of broadcasting where it found it' and to permit a licensee to survive or succumb according to his ability to make his programs attractive to the public," the commission added.

F.C.C. Authorizes Power Increases

WASHINGTON, June 26.—The Federal Communications Commission has authorized four stations operating on the 940-kilocycle channel to increase their power after working out with the broadcasters a directional antenna system which will prevent interference.

Under the setup, WAAT, Jersey City, will move its transmitter to Kearney, N. J., extend its time from day to unlimited and increase power from 500 to 1,000 watts; WAVE, Louisville, will move its transmitter near Jeffersonville, Ind., and increase power from 1,000 to 5,000 watts; WCSH, Portland, Me., will increase power from 1,000 watts night, 2,500 watts day, to 5,000 watts, and WDAY, Fargo, N. D., will increase night power from 1,000 to 5,000 watts.

Other orders included construction permits to the Textile Broadcasting Co. for a new 1,500-kilocycle, 250-watt station at Greenville, S. C.; Herald Publishing Co. for a 1,230-kilocycle, 1,000-watt day station at Albany, N. Y., and MSB Broadcasting Co. for a 1,500-kilocycle, 250-watt station at Omaha, and granted increases of night power from 1,000 to 5,000 watts to WFBM, Indianapolis, and WHK, Cleveland, and from 500 to 5,000 watts to KGBX, Springfield, Mo., and KABR, Aberdeen, S. D.

World Acquires Film

"Shark Woman," produced by B. F. Zeidman, has been acquired for distribution by World Pictures.

Off the Antenna

NBC WILL CUT its television schedule beginning next Monday. No weekend shows will be telecast, and the number of hours has been cut to 11½ weekly. The station will operate on Mondays through Fridays.

NBC officials explain that the cuts have been necessitated by the Summer vacation schedule and the fact that few persons are home to see weekend shows during the Summer. However, there is no comment on future plans. The costly studio shows, both dramatic and variety, have been cut to a minimum, with films and outside pickups substituted. Next week, for example, there will be no dramatic presentation. Only two hours of variety will be presented from the studio and one of them will consist mainly of films. Amateur boxing and shows from the World's Fair will be the outside pickups. The films include "Songs and Saddles" with Gene Austin; "West of Nevada" with Rex Bell; "Zamboanga," and short subjects and commercial films. Lowell Thomas will be heard twice in 15-minute news summaries.

Programs: Dorothy Thompson, newspaper columnist, returns to the air for a 39-week series over NBC-Blue on Sunday, Sept. 29 at 7:30 P. M. The Regional Broadcasters Association will sponsor the show which will be a co-operative venture on behalf of a number of nationally advertised products. . . . Gillette Safety Razor Co. will sponsor Elmer Davis over CBS on Tuesdays and Fridays instead of Sundays and Fridays beginning Tuesday. . . . WHN will start a program for golfers at 9 o'clock tonight. Dick Fishell will answer questions on the sport, a noted pro will appear as guest and there will be a quiz at the end. . . . Leith Stevens has had his contract renewed as musical director for "Big Town," which returns to CBS in September.

The first request for commercial political time this season was received yesterday at NBC offices in Hollywood, according to Walter Meyers, of the NBC sales department. Several candidates in the California primaries have requested specific time allotments. In California, candidates must file before June 22 for primaries to be held on August 27. Between those dates all those running for office become legal candidates and must pay for air time.

Films will be used to supplement the radio lectures on Columbia's "School of the Air" next Fall. The program is heard daily in many classrooms and is part of the official curriculum in many states. In a tieup between Sterling Fisher, CBS director of education, Donald Slesinger, executive director of the American Film Center, and the American Library Association, it will be possible for schools and colleges to obtain films illustrative of the subject under discussion on the "School of the Air."

The Center will act as a clearing house for this project for 16mm. and 35mm. educational films, and will rent them without charge or at cost. The A.L.A. will receive requests for the films and forward them to the Center.

When Martin Block, conductor of "Make Believe Ballroom" over WNEW, leaves for a two-week vacation next Monday he will have an impressive list of substitute conductors in his place. Among those who have agreed to pinch hit for Block are Stan Shaw, Tommy Dorsey, Jimmy Dorsey, Harry James, Ben Grauer, Charlie Barnet, John Hammond, Ted Husing, Gene Krupa, Al Donahue and Larry Clinton. The substitutes will have free rein and will be permitted to play their own records.

Following the trend away from full hour programs, the "Cities Service Concerts," oldest commercial network program on the air, will be cut to a half hour on Friday, August 2. The program has been on the NBC network 14 consecutive years as a one-hour show. The same cast will be retained.

WHOM this week abandoned its 24-hour schedule and is now closing down at 2 A. M. daily. Instead of the "Midnight to Sunrise Club" which ran from midnight to 7 A. M., the "Midnight Club" has been substituted for two hours only. William Fender and Robert Carson handle the show.

Indianapolis Golf Set

INDIANAPOLIS, June 26.—The annual golf tourney of the local Variety Club has been set for Aug. 26 at the Broadmoor Country Club. George Landis, 20th Century-Fox branch manager, again is general chairman of arrangements.

Heads Softball League

WILKES-BARRE, Pa., June 26.—The Capitol, Scranton, team was the winner of the first half competition in the Comerford Theatres Softball League. The Comerford here is in second place.

Sherman, Dix Talk Pact

HOLLYWOOD, June 26.—Richard Dix is negotiating with Harry Sherman for a two-year contract, under which Dix would star in four films annually. Sherman produces for Paramount.

S. O. S. Air Conditioning

ALBANY, June 26. — Incorporation papers for the S. O. S. Air Conditioning Corp. have been filed here, with Alfred W. Rinfret listed as vice-president. Otherwise the officers are the same as for S. O. S. Cinema Supply Corp. Rinfret will be director of sales.

National Takes RCA

National Theatres Amusement Co. (Spyros Skouras) has contracted for RCA sound service for over 300 houses in the West and Midwest, it is announced by W. L. Jones, RCA service chief.

Patriotic Shorts Set

All houses in the Warner circuit on July 4 will play one of the Warner patriotic two-reel color short subjects, according to Joseph Bernhard, circuit head.

Showmanship Flashes . . .

Quotation Contest Used at B & K House

CHICAGO, June 26.—The Balaban & Katz Esquire has inaugurated a patron contest on "Esquire Quotations." Patrons submit quotations—original or otherwise—daily, and the best will bring an award of a \$10 gift certificate to a local book store.

Bridge Contest Is Used for 'Waterloo'

VANCOUVER, B. C., June 26.—Richard Lett, assistant manager of the Capitol, for "Waterloo Bridge" at the Famous-Players house here, in cooperation with the Vancouver Sun, staged a contest on the subject of the number of features which had some part of their action on a bridge.

Handkerchief Tieup In Utica on 'Irene'

Manager Arnold Stoltz of the Warner Avon, Utica, N. Y., in his campaign for "Irene," tied in with a local store for a handkerchief giveaway. The imprimatur in blue and the copy tied in with brides and the "Alice Blue Gown" number from the film.

Vogue Bulletin Aids 'Heaven' Store Plugs

A special four-page bulletin is being distributed under the supervision of Vogue Magazine as a service to department and specialty store personnel, featuring stills from "All This, and Heaven, Too," and suggesting tieups by stores with the film in the form of window and fashion displays.

Radio Letter Contest Used for 'Susan' Run

One of the highlights of the extensive exploitation campaign used by Charles Taylor, advertising and publicity director of Shea's Buffalo on "Susan and God," was a radio contest staged with WGR, Buffalo, with cash and ticket prizes for the best 100-word letters on the subject, "Do you agree that Joan Crawford is the best-dressed woman on the screen?"

NEA Will Discuss Film and Radio Use

WASHINGTON, June 26.—Uses of motion pictures and broadcasting in education are slated for discussion at the 78th annual meeting of the National Education Association at Milwaukee next week, it was announced here today by the N. E. A.

The program for the conference will include an evaluation of motion pictures by Charles F. Hoban of the American Council on Education, an address on radio as a practical resource in the democratic school by Harriet H. Hester, educational director of Station WLS, Chicago, and demonstrations of programs of an educational character by NBC and CBS.

Weigh House Purchase

KANSAS CITY, June 26. — George Young, president of the Midwest Burlesque Co., Cleveland, and Sam Reider, manager of Midwest's St. Louis house, were here to check the possibility of using the old Missouri Theatre, dark for 10 years, as a Kansas City unit for Midwest burlesque.

Part,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 47. NO. 127

NEW YORK, U.S.A., FRIDAY, JUNE 28, 1940

TEN CENTS

Radio Responsibility

IN these times of international crisis the responsibilities of radio are very great. No amount of insistence upon the right of freedom of speech will save the day for radio unless the public interest is served through a service which is fair, impartial, intelligent and accurate.

Freedom of speech in a medium so universal as radio does not entail a license for glib and gab commentators to indulge in dramatic recitations in the guise of news reports. There has been an increasing amount of incidents of this character in the recent critical weeks. Even Mr. H. V. Kaltenborn, of distinguished reputation as a radio commentator, has lately been heard in forensic and imaginative harangue in periods when he was supposed to be presenting the news and offering reasoned comment thereon.

The American theory of free speech implies a responsibility and an accountability devolving upon those who would exercise it. Radio is not free to disseminate rumor, gossip and unverified report, and then proceed nonchalantly to let the whole matter vanish into thin air without correction and re-statement when the truth is learned. No newspaper or magazine which even pretends to character, reputation and responsibility knowingly publishes unverified rumor and report. Neither does it fail to publish a correction when a mis-statement has been discovered. Yet no newspaper or magazine has more than a fraction of the circulation which radio enjoys. Hence radio's responsibility is far greater.

Yet the ether waves are crowded with wise guys, pretending an insight into important affairs about which they actually know nothing. With an absurd posturing they tell all — "confidentially." Developments which gravely affect the welfare of humanity the world over are played with obviously for emotional effect as preface to a ringing pronouncement about some commercial product.

Editorializing and news reporting are two distinct publication practices which must be kept separate and distinct if the end result is to be fair and legitimate, on the radio and elsewhere. The full force of this evident

(Continued on page 2)

Majors Cease All Print Shipments to Continental Europe

Shipments of new prints to Continental Europe have been discontinued by major distributors in line with their policy of not making appropriations for new prints for "frozen-money" markets.

Because of the monetary situation on the Continent, virtually all companies plan to maintain only self-sustaining branches there in the future. Offices which are able to operate successfully with the product they have on hand will not be affected by this policy.

The supply of prints on hand in important Continental branches is believed to be larger than average. Most companies, foreseeing difficult shipping situations developing as the war progressed, consigned as many pictures to Continental Europe as possible while shipping routes still were clear. The result is that branches in the leading cities will have new releases through next Fall and part of the winter from stocks now on hand. If monetary and business conditions

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Rackow Winnipeg Manager for U. A.

Victor Rackow, a member of the United Artists Winnipeg sales staff, yesterday was appointed branch manager at Winnipeg by Harry Gold, Eastern and Canadian general sales manager. Rackow succeeds David S. Griesdorf, newly appointed Eastern representative for James Roosevelt-Bronston Productions, with headquarters in New York.

Broadway Houses to Raise Admission for Federal Tax

All Broadway film theatres with the exception of the Astor, where "Gone With the Wind" is on a two-a-day basis, will be affected by the new defense tax, effective Monday. The first run's morning shows are below the outgoing exemption of 40 cents and will therefore come under the new tax scale.

Admission prices will be advanced 10 per cent to include the tax. Possible exceptions are the Rialto, Globe and Central, which have not as yet decided their policies. Newsreel houses will increase prices from 25 cents to 28 cents.

The Music Hall's early show will be scaled at 44 cents, while the Capi-

European Offices In Portugal, Spain

Continental European executive staffs of at least four American companies have been withdrawn from occupied territories and concentrated in Spain and Portugal.

The companies which have removed their headquarters from Paris to Lisbon are 20th Century-Fox, M-G-M, RKO and United Artists. Warners, Columbia and Universal are at Bordeaux, and Paramount believes that its European headquarters also have been removed there.

William B. Morgan, 20th Century-Fox manager for France, Belgium and Switzerland, has transferred his operations from Bordeaux to Barcelona.

British Producers Plan Export Drive

LONDON, June 27.—The British Film Production Association today established an export group designed to assist in the British Government's drive to stimulate export trade by improving facilities for the sale of British products abroad.

Most British producing, distributing and film exporting organizations are in the association and will participate in the export campaign. However, John Maxwell's Associated British Pictures is not included.

The committee which will study the situation includes one representative each of short subject producers and producers of sub-standard films.

New Season's Selling Is Now In Full Swing

Delay in Suit Settlement Spurs Efforts

With the outlook slim for an early settlement of the Government's New York anti-trust suit, major distributors who have been holding back in selling for the new season have stepped up their efforts and selling is now reported in full swing. Virtually all major companies say they have about as many deals closed already for 1940-'41 as at this time last year, and some report a gain over last year.

The increased impetus results from the growing probability that a settlement of the suit will not materialize in time to affect new season sales policies. The start of the trial and prospect for a settlement is said to have retarded selling during the last month. The companies usually launch their selling seasons immediately after their conventions.

One large distributor after another is becoming convinced that the progress of the settlement discussions to date no longer warrants "holding back" on sales effort on the chance that an early settlement would dis-

(Continued on page 4)

Expect to Disband TMAT Film Division

Dissolution of the Motion Picture Division of the Theatrical Managers and Agents Union may be voted within the next two weeks, it was learned yesterday. All members who have not paid dues to date will be dropped, while those in good standing will become a part of the parent body, it was said.

Although there are several other re-organization plans proposed for the M. P. division, the dissolution plan appeared to have the strongest support yesterday. A plan to hire a professional organizer to take over the affairs of the division, although backed strongly several weeks ago, appears to have lost most of its supporters.

If the dissolution plan is adopted, the motion picture managers will become a group within the T.M.A.T. similar to the two groups at present, legitimate stage managers and press agents. However, the film group will be small and it is not likely that there

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(Continued on page 4)

Radio Responsibility

(Continued from page 1)

truth is in no wise altered by bas-tardizing efforts which, unfortunately for the clarity and understanding of the public mind, are on the increase on the air and in print.

Radio as a disseminator of concealed and opinionated harangues under the guise of news reporting is on exceedingly dangerous ground. If it becomes the victim of an increasing burden of restrictions it will have this current abuse to thank for it.

Freedom of expression implies a sense of responsibility to the public weal. To ignore that responsibility inevitably leads to a condition which tends to destroy it.

—MARTIN QUIGLEY

'Storm' at \$46,000, Is Held at Capitol

"The Mortal Storm" grossed an estimated \$46,000 in its first week at the Capitol and was held over. "Tom Brown's School Days" opened strong yesterday at the Music Hall after "Our Town" with a stage show ended its second week with an estimated \$73,500.

The third week of "Brother Orchid" with Jimmy Dorsey's band on the stage drew an estimated \$25,000 at the Strand. "The Doctor Takes a Wife" with a stage show grossed an estimated \$31,000 for its second week at the Roxy. In the 27th week at the Astor, "Gone With the Wind" grossed an estimated \$7,800.

Two new films bow in on Broadway this morning. "The Man Who Talked Too Much," at the Strand, with Bob Crosby's band on the stage, and "Sailor's Lady" at the Roxy.

Acquires 2 in Brooklyn

The Metsum Amusement Corp., of which Frank Gelber is president, has acquired the Sun and Metro, both in Brooklyn.

Lindy's RESTAURANTS

1626 BROADWAY 1655

(Next to the Rivoli Theatre)

(51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS

BLUM'S ALMONDETTES

from

San Francisco, California

Personal Mention

WILL H. HAYS, returning this weekend from the Republican National Convention in Philadelphia, will leave for his annual Summer visit to the Coast after a few days in New York.

ARCHIE MAYO, director, is here from the Coast with Mrs. MAYO.

R. C. RODDICK, supervisor in the Maritime provinces for Famous Players Canadian, has completed a tour of his theatres.

NORMA SHEARER has been appointed an honorary colonel in the 510th anti-aircraft artillery regiment, Philadelphia.

RALPH HAYDEN, formerly in the accounting department of Paramount's Kansas City exchange, is now chief accountant at the Des Moines branch.

RAY HALL has been appointed publicity representative for the Grand Central Newsreel Theatre and the Airline Theatre, which will open in September.

IRVING WINOKOUR of the Campus, Minneapolis, is a World's Fair visitor.

LEO T. JONES of the Star, Upper Sandusky, O., is in town.

'Conqueror' First Coast Korda Film

Alexander Korda's first Hollywood production for United Artists release will be "The Conqueror," with Merle Oberon starred. Work on the picture, which will be based on the conquest of Mexico by Hernando Cortez, is scheduled to start in the Fall. The script is now in preparation by Frank Beecham, English playwright.

Korda's "Thief of Bagdad," although completed in Hollywood recently, was started abroad prior to the war. Korda is now on the Coast.

Coast Office Strike Negotiators to Meet

HOLLYWOOD, June 27.—Developments toward a settlement of the A.F.L. office workers' strike against the Central Casting Corp. may develop tomorrow when another meeting will be held between the negotiators for the union and the producers. No progress toward a settlement was reported today, although the producers' committee met last night.

Chicago Operators Eye Coin Machines

CHICAGO, Ill., June 27.—Officials of the Chicago operators' union said today they will demand that union operators be used to service the nickel-in-the-slot film machines which will soon appear on the market. Exhibitors are also alarmed at the potential competition. They appear alarmed at stories about the appeal of these machines and fear they will damage their business.

M. J. SIEGEL, Republic production head, is expected from the Coast by train today.

PAT CASEY plans to leave for the Coast early next week.

JULES BRULATOUR, WILLIAM J. HEINEMAN, PAUL LAZARUS, JR., J. J. JORDAN, BERT MAYER, BUDD ROGERS, WILLIAM GERMAN, WILLIAM FITELSON and SAM CITRON lunching at the Tavern yesterday.

RUSSEL CROUSE, CHARLES SONIN, I. E. LOPERT, SIDNEY PHILLIPS, ARTHUR KRIM, LEE SHUBERT and DENNIS KING at Sardi's yesterday for lunch.

LOWELL CALVERT, ARCHIE MAYERS and ARTHUR SILVERSTONE lunching at Lindy's (next to the Rivoli) yesterday.

NATE SPINGOLD, HAL HORNE, JACK GOETZ and JOSEPH PINCUS at Lindy's (51st St.) for lunch yesterday.

RUBY STACY at Universal's Des Moines branch and CARROLL C. CARTER of the Central Broadcasting Co. are to be married August 18.

RUTH GILLIS of the M-G-M research department, celebrates a birthday tomorrow.

Reel Heads Weigh Tax Publicity Plan

The proposal of the Pacific Coast Conference of Independent Theatre Owners that newsreels be utilized to acquaint the public with the reasons for the new Federal admission tax was received by home office distribution executives yesterday and referred to heads of the five reels for their consideration.

No opposition to the proposal was expressed by the distribution executives although several said they did not believe that as many as four successive issues of the reels would be necessary, as suggested by the Coast exhibitor organization.

'Heaven' Benefit Show

OMAHA, June 27.—Warners' "All This, and Heaven, Too" opened here at the Brandeis tonight with a benefit performance sponsored by the World-Herald for its Fresh-Air Fund. Civic leaders headed by Mayor Daniel Butler of Omaha attended the advance price premiere.

Drop Old RKO Charter

Since all the assets of the old RKO company have been transferred to the new company, Federal Judge William O. Bondy yesterday granted the Irving Trust Co. petition to surrender the old RKO company's right to do business in New York State.

Saenger Profit Higher

Saenger Theatres Corp., operating theatres in the South, has reported net income of \$758,822 for 1939, against \$667,140 for 1938, according to figures filed with the S.E.C.

Newsreel Parade

National defense and the Republican Convention in Philadelphia are given considerable attention in all the newsreel issues, contents of which follow:

MOVIEZONE NEWS, No. 84—Hoover in convention address. Navy planes over California. Anti-aircraft display in Virginia. Airmail service to Alaska. Peony farm in Indiana. Twins convene in California. Log drive in Maine. Demonstration new folding boat. New style golf game. Horse racing.

NEWS OF THE DAY, No. 282—Britain prepares for invasion. Republican convention. Log drive in Maine. Twin convention in California. Baer and Galento in training.

PARAMOUNT NEWS, No. 87—U. S. prepares defense weapons: lightweight engines built in Illinois; recruiting at Plattsburg; soldiers and mechanics off to Alaska; Long Island inventor shows new parachute. Republican Party in convention.

RKO PATHE NEWS, No. 99—Republican Convention hits its stride in Philadelphia. U. S. Army launches recruiting drive. Civil Aeronautics Authority plans training of pilots. King honors British army heroes. Alaska Clipper establishes new route. \$150,000 log drive in New England.

UNIVERSAL NEWSREEL, No. 888—U. S. puts Panama Canal on war footing. Hoover urges Republicans to keep U. S. out of war. Clipper on Alaskan hop. Folding boat tried in Chicago. Fire chiefs hold convention in Memphis. Japan Day at Coast Fair. Me's style show in New York. Gas machines destroyed in California. Long Beach, Cal., dog show.

'Column' Opening Delayed by Rialto

At the request of N. Y. Supreme Court Justice Felix C. Benvenge, the Rialto has agreed to postpone the opening of "Fifth Column Squad" from June 28 to July 3.

The postponement is to permit the court to decide on the application of Ernest Hemingway and Benjamin F. Glazer of the Theatre Guild for an injunction restraining the Film Alliance of America and Mid-Town Theatres Corp., Rialto operator, from exhibiting the film.

The plaintiff claimed that the words "Fifth Column" belong exclusively to them, because of Hemingway's play of that title.

Hackathorne Dies

HOLLYWOOD, June 27.—George Hackathorne, prominent on the silent screen, died here yesterday at the age of 44. He started in pictures in 1916.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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The openings in Denver and Los Angeles are so sensational it is safe to predict that M-G-M's "New Moon" will be one of the biggest hits of the entire year!

JEANETTE MacDONALD
NELSON EDDY in "NEW
MOON" with Mary Boland
George Zucco • H.B. Warner
Grant Mitchell • Based on
the Musical Operetta "New
Moon" • Book and Lyrics by
Oscar Hammerstein 2nd,
Frank Mandel and Laurence
Schwab • Music by Sigmund
Romberg • Screen Play by
Jacques Deval and Robert
Arthur • Produced and Di-
rected by Robert Z. Leonard

An M-G-M Picture

New Season's Selling Is Now In Full Swing

(Continued from page 1)

rupt deals already closed and bring about entirely new selling methods.

Contributing to this belief by the distributors is not only the slow progress of the settlement talks up to this point, but the time-consuming moves required to confirm an agreement after one has been reached. It is pointed out that despite the progress made to date, after nearly a month of talks there has been no agreement on any major settlement proposal. It is considered doubtful that any complete agreement could be reached before the Federal court's Summer adjournment at the end of July, and certainly not in time to have it finally confirmed before the recess.

This would indicate the clear possibility of no final action on a settlement until the court reconvenes next Fall, some attorneys believe. New season selling cannot be delayed that length of time and, many distributors feel, it would be an injustice to the industry to require re-selling by new and untried methods at that late date. Therefore, the companies believe that while many phases of a possible settlement, such as arbitration, full-line forcing, score charges and other matters, could be made effective immediately, basic revisions in sales methods could not go in effect until the 1941-'42 season. This refers, of course, to the proposals under discussion for screenings of product before selling and selling in small groups of three, five or seven pictures at a time.

It is also pointed out that, even if a settlement agreement is reached this Summer, it cannot be made effective until approved by the boards of directors of defendant companies, by Washington, possibly by exhibitor organizations, and by the Federal court. The approval of the latter might not be given without court hearings and lengthy consideration, thus making it virtually certain that no settlement could be made final before next Fall or later, according to attorneys.

If the settlement efforts fail, sales executives reason, they will be in a better position for having made regular selling efforts now, since the suit would be returned to trial and not finally determined for at least two years.

Expect to Disband TMAT Film Division

(Continued from page 1)

will be much activity for some time. There are still a number of cases pending with the New York State Labor Relations Board but it may be decided to abandon these proceedings.

At the M. P. division yesterday it was said that the reason for the decision to reorganize was the fact that many members, after joining, later repudiated their memberships and refused to vote for the union in S.L.R.B. collective bargaining elections. Officials expressed the belief that a new effort to organize film managers could be made in several months.

Critics' Quotes . . .

"THE MORTAL STORM" (M-G-M)

Frank Borzage directed the story superbly and the fine cast, headed by Margaret Sullavan and James Stewart, play their roles with inspired conviction . . . differs from the book in many respects.—*Kate Cameron, New York Daily News.*

One of the most harrowing and inflammatory fictions ever placed upon the screen . . . falls definitely into the category of blistering anti-Nazi propaganda . . . a passionate drama, struck out of the deepest tragedy, which is comforting at this time only in its exposition of heroic stoicism.—*Bosley Crowther, New York Times.*

For all its inherent honesty, the film is both dated and romantically distorted . . . If there is anything wrong with the production, except the time of its exhibition, it is the staging.—*Howard Barnes, New York Herald Tribune.*

Whatever the picture fails to return to M-G-M in profit will be more than made up in the form of personal satisfaction over a job well done . . . Frank Borzage's direction is superb.—*Lee Mortimer, New York Daily Mirror.*

An oftentimes bitter, searching and ironic, if somewhat slapstick account of how it happened in Germany in 1933 . . . Had it been made two years ago it could have been a powerful, timely thunderbolt arousing us to action.—*William Boehnel, New York World Telegram.*

Five years from now, or 10, "The Mortal Storm" might be easier to see . . . a serious and tragic story of Germany in the thirties, those days which led to the present war. Borzage has directed it with compassion, trying to combine both romance and politics. The result is interesting, touching, and far from cheerful.—*Eileen Creelman, New York Sun.*

Today it would be more impressive if less familiar, more up-to-date or closer to the novel . . . But since the picture must be taken for what it is, let us welcome it as a serious picture defending the highest ideals of freedom and tolerance.—*Archer Winsten, New York Post.*

A good movie story, gripping, skillfully assembled, filled with sympathy and suspense. The audience "The Mortal Storm" draws will find its own convictions backed up so impressively.—*Cecelia Ager, PM.*

Excellent written, acted and directed but far too harrowing to come under the head of entertainment.—*Rose Pelswick, New York Journal American.*

"THE GHOST BREAKERS" (Paramount)

More entertaining than ever . . . only moderately terrifying.—*Doris Arden, Chicago Daily Times.*

The nippiest, zippiest comedy chiller of the season . . . has its shocker moments, but it is far funnier than it is frightening, despite an abundance of bats, cobwebs and other stock mystery atmosphere.—*Chicago Herald-Examiner.*

A ghost picture that isn't ghostly; a thrill picture that isn't chilling, a funny picture that really is hilarious . . . bright and light entertainment . . . the spirits will move you to endless laughter.—*Pence James, Chicago Daily News.*

Broadway Houses to Raise Admission for Federal Tax

(Continued from page 1)

noon, then 25 or 35 cents in the afternoon, depending on business, and 40 cents in the evening.

Theatres on 42nd St., which charge a minimum of 25 cents for weekends and raise admissions in accordance with business, will raise prices to 30 cents, including tax. Their weekday scales of 10 and 20 cents will not be affected.

Iowa, Nebraska Houses To Pass Tax to Public

DES MOINES, June 27.—Allied-Independent Theatre Owners of Iowa and Nebraska, of which Leo F. Wolcott is president, has indicated that the majority of independent exhibitors in the two states will pass the new Federal tax to the public in the form of increased admissions. In view of business conditions, it was said, exhibitors will find it impossible to absorb the defense levy.

Atlanta Theatre Lowers Matinee Price

ATLANTA, June 27.—While Atlanta theatres are passing the tax to the public, Lucas & Jenkins circuit is

changing matinee prices at the Fox Theatre to 30 cents throughout the house, including tax. The previous price was 35 cents orchestra, 25 cents balcony. The scale at Loew's and other first runs will be 28 cents balcony and 38 cents orchestra, matinees, and 44 cents evenings.

New Haven Houses Not to Absorb Tax

NEW HAVEN, June 27.—At a special meeting of all exhibitors in the New Haven district it was decided that the new Federal amusement tax would be passed on to the public, but that no admissions would be raised to facilitate box-office handling by even-money admission scales. Of the 25 theatres in New Haven, Hamden, West Haven, and East Haven, about 16 are affected by the tax. Barney Calechman of the Howard Theatre called the meeting and presided.

Takes Avon Park House

AVON PARK, Fla., June 27.—William O'Neil of Birmingham, Ala., has arrived here to take over the management of the Park theatre, recently purchased by the Floyd circuit.

Majors Cease All Print Shipments to Continental Europe

(Continued from page 1)

improve by then, shipments of new prints will be resumed. If not, the Continental branches will be obliged to subsist on the old pictures, as was the case in Spain during the three-year civil war.

Business Is Demoralized

Business in large sections of the Continent is demoralized, it is apparent from piece-meal reports beginning to arrive at home offices. Shipments of film from branches to theatres, from theatres to theatres and back to branches, are extremely difficult to accomplish, due to the monopolization of railroads and highways by the military and the strict control of gasoline supplies. In addition, internal communications in a large part of the Continent either are destroyed, disrupted or not available for private and commercial use. In this situation, sales officials are completely cut off from the field. One foreign executive recently returned from Europe said such officials have a less complete and accurate picture of actual conditions in their territories than do the New York home offices.

Difficult to Make Shipments

Even if it were not for the companies' policy of not sending new prints into "frozen-money" markets, some foreign department officials pointed out, it would be next to impossible to make shipments, anyhow. Only trade routes still open are the long trip around Africa to the Near East and then overland, and the Portuguese and Spanish ports on the Atlantic. Shipments are still being made to Portugal, where there are no monetary regulations, but prints do not go beyond there. Transportation facilities outside of Portugal and Spain are in the hands of the military and it is next to impossible to complete private commercial consignments on the Continent, as a result.

Shipments are still going to Sweden, also still an open money market, but the only route is by way of Petsamo, Finland, around the Northern end of the Scandinavian peninsula, a long and uncertain route at best.

New Haven Union Headed by Zipkin

NEW HAVEN, June 27.—Samuel Zipkin, Universal shipper, was elected president of Local B-41 of the Exchange Employees Union at the annual election meeting at the Hotel Garde last night, and was installed with other officers by retiring President Jack Mullen.

Fay Spidoni, of Universal, was elected vice-president; James Mahan, Paramount, secretary; William Nuttle, Paramount, treasurer; Edward Canelli, Warner, sergeant-at-arms. The officers and Henry Bruenig, United Artists, and Anna Brownstein, Paramount, will constitute the new executive board. Robert Hoffman of 20th-Fox will act as business agent for the coming term. A clambake was set for July 31, with Zipkin in charge of arrangements.

'Town' Takes \$6,500, Coast Grosses Slip

LOS ANGELES, June 27.—Grosses fell off badly here, only one house doing better than average, the 4 Star, with "Our Town" taking \$6,500. "All This, and Heaven, Too" scored \$15,200 in its second week at the Carthy Circle.

Estimated takings for the week ending June 26:

"All This, and Heaven, Too" (W. B.)
CARTHAY CIRCLE—(1,518) (75c-\$1.50) 7 days, 2nd week. Gross: \$15,200. (Average, \$17,000)

"Earthbound" (20th-Fox)
"Forty Little Mothers" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: \$5,400. (Average, \$12,500)

"Our Town" (U. A.)
4 STAR—(900) (40c-55c) 7 days. Gross: \$6,500. (Average, \$3,250)

"Irene" (RKO)
"The Saint Takes Over" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: \$5,500. (Average, \$6,500)

"Earthbound" (20th-Fox)
"Forty Little Mothers" (M-G-M)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: \$6,200. (Average, \$14,000)

"Irene" (RKO)
"The Saint Takes Over" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: \$5,500. (Average, \$7,000)

"Safari" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: "A Night at the Moulin Rouge." Gross: \$16,500. (Average, \$18,000)

"Brother Orchid" (W. B.)
"Sandy Is a Lady" (Univ.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: \$10,700. (Average, \$14,000)

"Brother Orchid" (W. B.)
"Sandy Is a Lady" (Univ.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: \$10,200. (Average, \$12,000)

Coast Charity Group Named by Goldwyn

HOLLYWOOD, June 27.—Samuel Goldwyn, chairman of the Motion Picture Red Cross Committee, today announced the full membership of the organization, which will guide all war charities activities at the studios.

Representative of all studios, West Coast theatres, the Guilds and labor groups, the committee comprises: A. J. Gock, vice-chairman; Jock Lawrence, executive secretary; Will H. Hays, Harry M. Warner, Louis B. Mayer, Y. Frank Freeman, Darryl F. Zanuck, Jack L. Warner, Harry Cohn, Charles P. Skouras, William Goetz, Walter Wanger, Sol Lesser, E. J. Mannix, Hal Roach, Frank Capra, Joseph M. Schenck, Fred Beetsen, Bert Allenberg, Walt Disney, J. R. McDonough, Sheridan Gibney, Carl Cooper, Ralph Morgan, Steve Newman, Kenneth Thomson, J. K. Wallace, Cliff Work, Alfred Wright, Reeves Espy, M. J. Siegel, J. W. Gillette, Lesley Mason and I. J. Kornblum.

The publicity directors' committee includes Howard Strickling of M-G-M; Harry Brand, 20th Century-Fox, and Robert Taplinger, Warners.

Form Norfolk Firm

NORFOLK, Va., June 27.—Hampton Corp. of Norfolk has been formed with maximum capital of \$10,000 to do a theatrical and amusement business. Leon Banks is president.

Feature Reviews

"Street of Memories"

(20th Century-Fox)

HOLLYWOOD, June 27.—The scene of this comedy drama is the "skid row" section of any metropolis and the story pertains principally to the struggle for existence by honest men and virtuous women sentenced by fortune or circumstance to live in such areas. The man in the case (John McGuire) is an amnesia victim, rich but unaware of the fact, and the girl (Lynne Roberts) is a waitress. Into the episodes which depict his successful quest for employment and his ultimate realization of his identity are sown a number of speeches having to do with social stratification and views thereupon, although the film does not become a preachment save in a general way on the side of Americanism.

Produced by Lucien Hubbard from an original screenplay by Robert Lees and Frederick I. Rinaldo, the picture is bread-and-butter entertainment designed for mass consumption. Direction is by Shepard Traube. Supporting players are Guy Kibbee, Ed Gargan, Hobart Cavanaugh, Jerome Cowan, Charles Waldron, Sterling Holloway, Scotty Beckett, Adele Horner and Pierre Watkin.

Running time, 65 minutes. "G."*

ROSCOE WILLIAMS

*"G" denotes general classification.

"The Leopard Men of Africa"

(Zeidman International-Select Attractions)

Presented with an eye for its exploitation values, "The Leopard Men of Africa" combines a dramatized version of a search for a tribe of cannibals with a photographic record of a trip through the African veldt. Dr. Paul L. Hoefler, who also produced "Africa Speaks," explains in a foreword that some of the incidents which obviously could not be photographed were reenacted later in accordance with the actual happenings.

The film starts with a ritual performed by the Leopard Men in which the young men of the tribe are tortured and branded to test their fortitude. If the young warriors cry out, they are killed. After this challenging opening, the flashback takes the audience to the start of the expedition. There are a series of animal shots and a number of adventures and the film closes with the discovery of the home of the Leopard Men.

Herman Schopp is credited with the photography and Allyn Butterfield prepared it for the screen. The torture scenes make the picture unsuitable for children.

Running time, 65 minutes. "A."*

EDWARD GREIF

*"A" denotes adult classification.

Theatre Changes

Schwartz Takes Winthrop

Max Schwartz is the new operator of the Winthrop, 600-seat theatre at 135 Driggs Ave., Brooklyn.

Take Manhattan House

David Frankel and Ernie Prince have acquired the St. Marks, 133 Second Ave., Manhattan. The theatre will be reopened late in August.

Suderov Operates Devon

Max Suderov is now operating the Devon, Bronx.

Valles Acquires New Annex

Mario, Frank and Angela Valle, forming Mario Theatres, Inc., are the new operators of the New Annex at 334 W. 74th St.

Open East Side House

The Palace, Second Ave., Manhattan, will be reopened Monday by Harry Blinderman.

Two Managers Transferred

GREENVILLE, S. C., June 27.—Dan Austell, for the past several years manager of the Rivoli, has been transferred to Lenoir, N. C. Ed Pettet, manager of the Center, has been transferred as manager of a theatre at Lumberton, N. C.

Plans Indiana House

RICHMOND, Ind., June 27.—Robert Hudson plans a new \$50,000 house here. Hudson operates the Tivoli, Hudson, Ritz and Indiana here. The new house will seat 900.

Opens Weekends Only

The Royal on 10th Ave., Manhattan, is operating Friday, Saturday and Sunday only for the Summer.

Bayonne House Closed

The Opera House in Bayonne, N. J., has closed for the Summer.

Acquires 3d St. Theatre

S & Z Amusement Corp. has acquired the American Movies Theatre, 235 E. 3rd St., Manhattan. I. Steinkritz and S. Zilberblat head the company.

Reopen Iowa House

SPIRIT LAKE, Ia., June 27.—Pioneer circuit's Royal Theatre here has been reopened after remodeling. Ray Hilary is manager.

Kent Theatre Formed

Kent Theatres, Ltd., is the new corporate name of the company operating the Kent, Brooklyn.

British Players on Coast Will Appear In Canadian Films

By COLIN R. HAWORTH

MONTREAL, June 27.—Stars now in Hollywood who are British citizens probably will be used in a series of Canadian-made features, it was said here tonight by John Farrow, RKO director, now on loan by that studio to the Canadian Navy.

"I am planning a number of feature pictures to deal with war work and these films will star many of the Britishers now in Hollywood. Many of them have signified their willingness to serve in this way provided they cannot get into active service," Farrow said.

Farrow to Make Short

The director is here from Ottawa to make a short starring his wife, Maureen O'Sullivan, for the Canadian Government, boosting the sale of war savings certificates. Farrow recently was named Controller of Naval Information.

Farrow's assertion about British stars in Hollywood came in reply to a query as to what he thought of Sir Seymour Hicks' recent blast against British stars in Hollywood who were not doing their bit.

"That's all nonsense," Farrow said. "I personally have any number of applications from Britishers on the Coast offering their services in any capacity. The truth is that we do not need men at present as much as we need equipment. Active service has no place for them as yet, but we certainly may be able to make use of them in another way to further the Empire's war effort."

Background of War

Farrow said the features planned would not be documentary films, but would have the war effort in the background.

He investigated the Associated Screen News Studio here and said it could be used for feature production. All the planned films will be made in Canada with Canadian equipment and labor. The first will deal with convoy work. Associated Screen News has a well-equipped plant, built about three years ago, with one stage. The plant also has a modern processing laboratory.

Aid Canadian Soldiers

ST. JOHN, N. B., June 27.—The Film Girls' Patriotic Club, composed of women employees of the distribution branches here, sponsored an entertainment for garrison artillery. Previously, the club had been co-sponsor with other war welfare organizations of such entertainments for soldiers, sailors and air force men.

'Gunga Din' Suit Settled

LOS ANGELES, June 27.—Harry Gould's plagiarism suit against RKO over "Gunga Din" was settled by stipulation in Federal Court here today. Gould was said to have been paid a substantial sum on his claim that he owns a story written by Alfred Goulding which RKO is alleged to have used without authorization.

Bar Demands Revisions in F.C.C. Rules

WASHINGTON, June 27.—Broad changes in administrative practices of the Federal Communications Commission were recommended today to the Attorney General's Committee on Administrative Procedure.

Appearing before Chairman Dean Acheson and other members of the Committee, Duke Patrick, representing the Federal Communications Bar Association, criticized the procedure followed by the Commission with respect to applications, hearings and the determination of cases.

Patrick charged that in many instances the Commission's decisions are based to considerable extent upon proceedings outside the hearings on which he said determinations should be made, and contended that many of the rules of the FCC handicap applicants in getting full consideration of controversies.

The hearing was one of a series being conducted by the Committee with a view to recommending improvements in the administrative practices of Federal agencies.

Neb. Files Appeal On Ascap Verdict

LINCOLN, June 27. — Nebraska's notice of appeal from the Federal statutory court decision holding its anti-Ascap law unconstitutional was filed in the U. S. Supreme Court here today by Attorney General Walter Johnson of Nebraska.

Ascap will have 40 days to show cause why the lower court decision should not be reversed.

Nebraska was refused a new trial on the constitutionality of the state law last Spring. The Attorney General's office lacked sufficient funds to take an appeal to the Supreme Court, but the Nebraska Broadcasters Association contributed to a war chest which made the appeal possible.

Ascap's revenue in this state amounts to about \$70,000 annually, three-fifths of which is collected from the 12 Nebraska radio stations.

Schwartz & Frolich, counsel for Ascap, said that the Society would move to have the Nebraska appeal dismissed because the time elapsed.

FCC Sets Hearings On 3 Station Pleas

WASHINGTON, June 27.—The Federal Communications Commission has assigned dates for hearings on broadcasting applications, as follows:

July 1: Application of Anthracite Broadcasting Co., Inc., for a new 1,370-kilocycle, 250-watt station at Scranton, Pa.

July 18: Application of the Mayflower Broadcasting Corp. for a new 1,410-kilocycle station at Boston, with 500 watts night, 1,000 watts day, requesting the facilities of Station WAAB, Boston.

Aug. 5: Competing applications of Stephenson, Edge & Kormsmeier and Helen J. Walton & Walter Bellatti for a new 1,150-kilocycle, 250-watt day station at Jacksonville, Ill.

Off the Antenna

NETWORKS have now established such systematic treatment of war news that they were able to take the foreign news in their stride when the Republican convention opened in Philadelphia. With the major portion of the publicity and special events staffs in Philadelphia, and a vacation schedule to contend with, the news from England and France continued over the air without interruption.

It will be easier to handle the Democratic convention. The networks have large offices in Chicago and it will not be necessary to have such a large force from the New York office on hand.

Purely Personal: Stevens Jackson, formerly of Benton & Bowles, will join the WMCA sales staff Monday. . . . Dick Bard, publicity director at WNEW, leaves today for a two-week vacation. . . . Josephine Hull, of the "Meet Miss Julia" cast, who was treasurer of the Stage Women's War Relief Fund during the World War, has been elected treasurer of the American Theatre Wing of the Allied Relief Fund. . . . Jimmy Durante will make his delayed guest appearance on "Information, Please" over NBC-Blue this Tuesday at 8:30 P.M.

CBS will broadcast its first program from the new Studio Building Monday at 8 P.M. There will be no fanfare—just a group of newspapermen and network officials to act as a studio audience and some engineers to explain the use of the newest gadgets.

Programs: CBS has scheduled three new sustaining programs for Saturday mornings beginning July 6. "Let's Be Lazy" will be heard from 9:30 A.M. to 10, "Welcome Lewis with a musical quiz from 10:30 to 11, and "Old Dirt Dobber" with advice on gardening from 11:05 to 11:30. . . . The "Lux Radio Theatre" will have Bob Burns as its guest this Monday in the title role of "Alias the Deacon." Burns has just started his vacation from his own program. . . . The Radio Research & Development Corp. in a tieup with the Port of New York Authority has started direction of automobiles passing over the George Washington Bridge. Traffic conditions are broadcast to automobile radio receivers.

Television and frequency modulation broadcasting will come up for discussion at tomorrow's final sessions of the 15th annual convention of the Institute of Radio Engineers in Boston.

100 Win Golf Prizes at RKO's Annual Tournament

Westchester Country Club, Rye, N. Y., June 27.—With 230 attending, the annual RKO golf tournament was held here today over the two picturesque courses of the Westchester Club. Every major company in the industry was represented.

George J. Schaefer, president of RKO; Ned E. Depinet, vice-president, and Sen. J. Henry Walters of the legal staff addressed the gathering in the evening. More than 100 prizes were distributed.

The complete list of prize winners follows:

West course, low gross, William Meehan; low net, Sidney Deneau; low net, South course, Leonard Goldenson; low gross West course, Bob Wolff; low net West course, Harry Michelson; low gross, South course, Bob Sherman; low net South course, Mike Poller; nearest the pin South course, 4th hole, Walter Seaton; second, Abe Kronenberg; nearest the pin West course, 15th hole, Andre Baruch; second, David Canavan.

Putting contest: First, S. Deneau; 2nd, Ed Jackson; 3rd, Si Fabian.

Best dressed golfer, Ned E. Depinet. Flight prizes, West course, 1st class, low gross, M. Farington; 2nd, Harold Rinzler; 3rd, P. E. Furber.

Flight prizes, 1st class, low net, J. Hornstein; 2nd, Grad Sears; 3rd, L. Goldberg; flight prizes, 2nd class, west course, low gross, H. Cole; 2nd, S. Fabian; 3rd, S. Shuford; low net, William Brandt; 2nd, A. M. Goldstein; 3rd, Paul Greenhalgh; flight prizes, 3rd class, West course, low gross, A. Cristensen; 2nd, J. E. Lombard; 3rd, Dr. Greenberger; low net,

Tom Connors; 2nd, J. Hearn; 3rd, Jules Levey. Flight prizes, 4th class, West course, low gross, W. A. Peterson; 2nd, Cresson E. Smith; 3rd, D. Canavan; low net, V. Josephson; 2nd, M. J. Cohen; 3rd, R. H. Haines; flight prizes, 5th class, West course, low gross, Lou Sarnoff; 2nd, O. C. Doering; 3rd, Bill Whitman; low net, H. Wintredge; 2nd, H. Rosenquist; 3rd, E. Waxberg.

South course, 1st class, low gross, R. Montgelas; 2nd, Fred Wallen; 3rd, W. J. McCafrey; low net, Harry Pimstein; 2nd Jack Levey; 3rd, P. Beal. South course, 2nd class, low gross, Bob Dann; 2nd, M. Mosely; 3rd, G. Van Wagner; low net, E. J. Dunphy; 2nd, H. E. Newcomb; 3rd, Bill England. South course, 3rd class, low gross, V. Moses; 2nd, Ben Grimm; 3rd, Leon Bamberger; low net, I. Barrett; 2nd, E. H. Olsen; 3rd, H. M. Richey. South course, 4th class, low gross, Dan Nolan; 2nd, P. N. Furber; 3rd, Louis Allemann; low net, Sam Dembow; 2nd, A. A. Schubart; 3rd, Charles Levy.

To Operate at Ellenville

ALBANY, June 27. — The Rondout Amusement Co., Inc., has been formed here to operate theatres in Ellenville, N. Y. Directors are A. E. Lonstein, David Silverman and Bessie Lonstein.

Bridge Closes for Summer

The Bridge at 1316 St. Nicholas Ave., Manhattan, will close on Monday for the rest of the Summer.

The Ace and the Metro, units of Triad Theatres, Inc., in the Bronx, have closed for the Summer.

Short Subject Reviews

"Pony Express Days"

(Warners)

A thrilling story of the Pony Express is enacted by George Reeves, David Bruce, Frank Wilcox, J. Farrell MacDonald and many others. The film tells of efforts to sabotage the Express in its run to California with the news of Lincoln's election and thus have California secede from the Union. Bill Cody, as a youth, brings the news through, however, despite Indian attacks. Filmed in color, the short is wholesome and thoroughly entertaining. Running time, 19 mins.

"Circus Today"

(Warners)

A burlesque on popular circus acts makes for a mildly amusing "Merrie Melody," particularly suitable for children. Aerial artists, lion tamers and bareback riders are satirized. A "ferocious" gorilla of the Gargantua type provides a laugh. Running time, 7 mins.

"The Valley"

(Warners)

Ira Genet wrote and directed this "Color Parade" short. The valley is that of Matanuska, Alaska, in which hundreds of victims of Midwest "dust bowls" found a new life. It outlines the stages of pioneering and finally the development of a community, with hospital, church, school and stores. The film is of travelogue nature and as such depends on the scenic backgrounds for much of its appeal. Running time, 10 1/2 mins.

"Porky's Baseball Broadcast"

(Warners)

Porky Pig tells the radio audience of the world series baseball game while another typical cartoon character endeavors to find his seat. After much ado he finds one behind a pole. The search is interspersed with Porky's broadcast of the game, a hectic affair. About average "Looney Tune" fare. Running time, 7 mins.

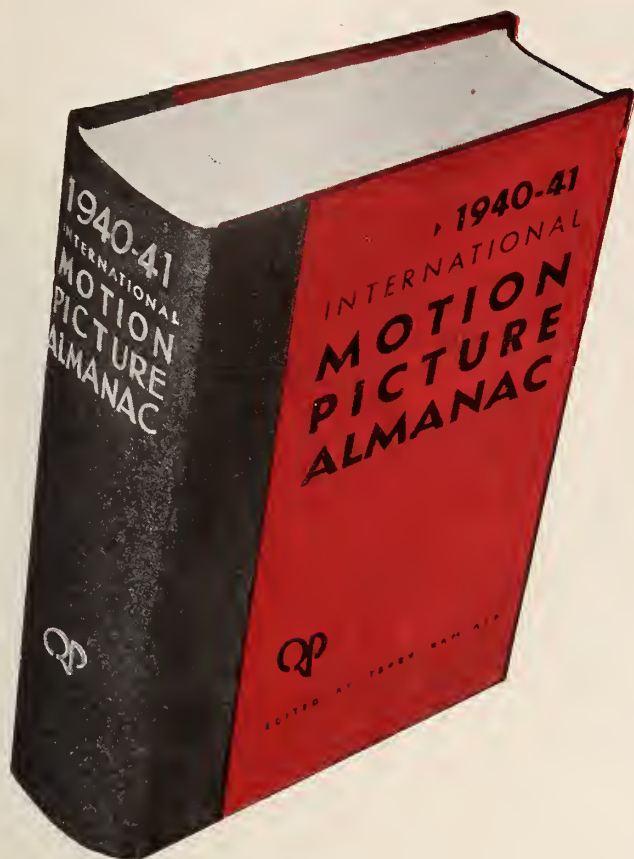
"Men and Dust"

(Garrison Films)

This is a grim documentary depicting the living and working conditions which exist in the lead and zinc mining areas of Kansas, Missouri and Oklahoma. Depressing in its telling, the short lays stress on the high death toll resulting from inadequate health measures. This is illustrated with stills of silicosis victims allegedly before their illness proved fatal. Running time, 17 mins.

Photophone Deals Closed

Contracts for the installation of RCA Photophone sound equipment have been signed by the following theatres: LaSalle and Regent, Cleveland; Victory, Charleston; a new house at New Philadelphia, O.; Lakewide, Ocean Lake, Ore.; Drive-In, Milford, Conn.; New, McCrory, Ark.; State, Madison, Me., and the Milo, Rockville, Md.



Edited by TERRY RAMSAYE

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IN THESE CHANGING TIMES

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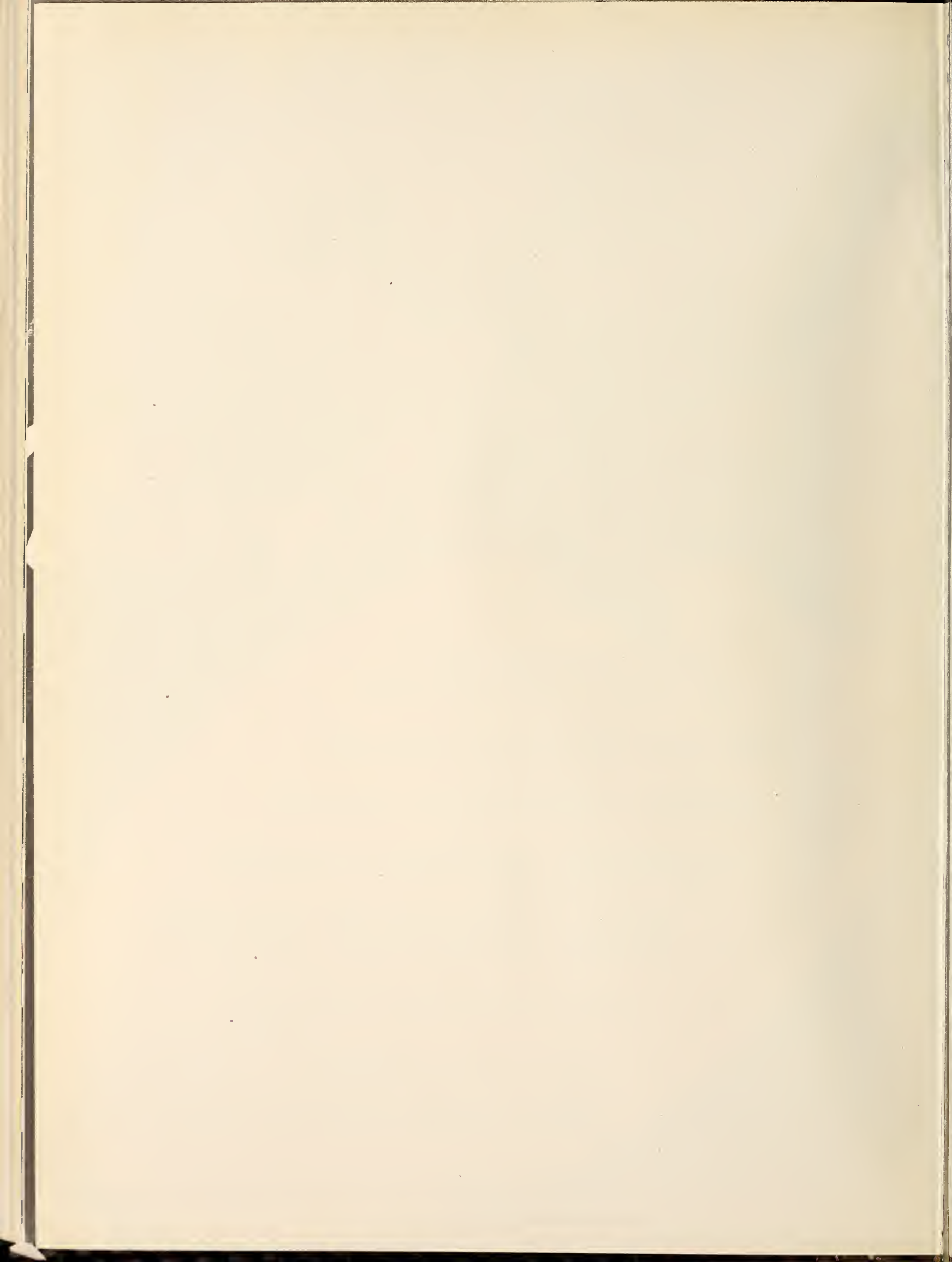
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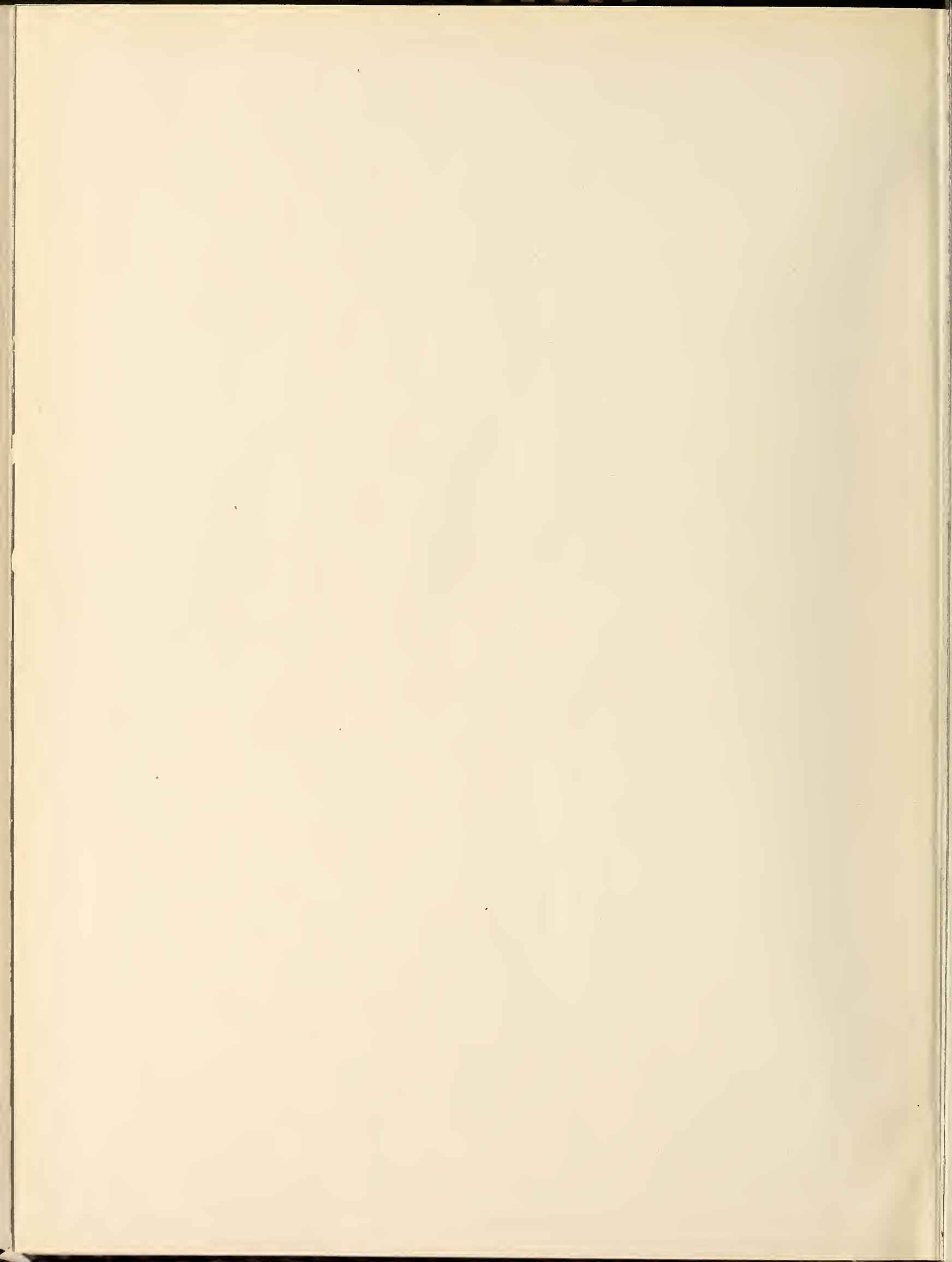
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